GENERAL AND REVENUE SECRETARIAT.

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(desp)

The original A Calendar will be given when these files are returned for binding

File No. 11-04

(181)

Serial Nos.

Enclosures to Serial No. 2 of Legislative File No 11 of 04-05.
Appendices I to VII.

A Jan 1905

Papers Filed.

Month _____

SUBJECT.

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Appendix I.

Last Memorandum of Mr. Carr on the Subject of the Police Powers of Deputy Commissioners and Amildars, and suggestions since received.

PREAMBLE.

Since our last meeting, the Select Committee have obtained expressions of opinion on my Memoranda from almost every responsible officer of Government, and from several unofficial sources. I wish therefore to lay before the Committee my replies to the most important of these opinions, as it appears to me that they have in some instances been based on misconceptions of the scope and limitations of my proposals :—

1. That the Village Police will be interfered with.

2. That the scheme of divesting Amildars of direct Police powers has been tried before, and proved a failure.

3. That the Mysore Police, as a body, are less addicted to malpractices than the Police of British India.

4. That if the Amildar is no longer regarded as a Police Officer, his interest in the Police work of his taluk will cease.

5. That the pay and status of the present Superintendents of police are inferior to that of officers of other departments holding more or less independent charge as District heads of their Departments; and that Superintendents and Assistants are therefore unfit to have any independent authority.

6. That Deputy Commissioners will lose touch with Police work, if they do not continue to be responsible for, and supervise every detail of the routine and departmental duties of the Police of their districts.

REPLIES.

I will now endeavour to meet these objections to my proposals, *seriatim* :

I. AMILDAR'S AND INSPECTOR'S POWERS.

1. It is suggested that in relieving Amildars of direct authority over the Regular Police, I desire to divest them of authority over the Village Police. So little has such an idea entered into my calculations, that it will be noticed that no mention whatever is made, in any of my Memoranda, of the Village Police. I have never contemplated or advocated any interference with the authority of District Revenue Officers over the Village Police. Even in Madras the patels and Village Police are wholly under the authority of District Magistrates and Tahsildars; and it is generally admitted that hereditary village appointments cannot be interfered with, without seriously affecting the recognised and salutary village system, which it is the earnest endeavour of all Administrations in India to foster rather than destroy.

The Village Watch and Village Police system in Mysore is of the greatest assistance to our Regular Police, but the general control over the Village Police must continue in the hands of the Revenue authorities, who are in constant touch with patels and village servants, and with the village system generally.

2. The second objection is that the system of placing Inspectors in sole Police charge of taluks has been tried in the balance and found wanting. This is wholly fallacious. The system was discontinued, because of *financial* reasons only, just before the Rendition in 1880 (*vide* also para 12 of Government Proceedings No. 9118-28—J. 508-92, dated 11th December 1892). At that time also the pay of Inspectors was wholly inadequate, being little more than what Jemadars get now; and in consequence a very inferior and ill-educated set of Inspectors were in charge of Taluks.

No fair comparison can therefore be made between conditions as they existed 24 years ago and now. As I have pointed out in my Memoranda the type of men now recruited as Inspectors is far in advance of what it was in 1880, and as a class they are far better paid. Inspectors now are most of them fully competent to manage the small taluks of Mysore, a half or third the size of the Madras Taluks ; and their pay in proportion is quite as good as the Madras Inspectors

The standing and efficiency of the present class of Police Inspectors, has been fully recognised by Government, by the promotion of 26 or 30 of them as Amildars and Assistant Commissioners, during the last few years. These officers have, I understand, done excellently in their new appointments.

It is a matter also for note that the most important centres of crime in the Mysore Province, *viz.*, Bowringpet Taluk and the Gold Field, and Bangalore and Mysore Cities, are worked entirely independently of Amildars, by Inspectors and Chief Constables; and show better Police results than other parts of the Province (*vide* statement attached).

3. The third objection finds expression in a letter to the *Mysore Standard* dated 29th October 1904, written by a correspondent who poses as an officer of Police experience in

Mysore; in this letter it is stated that the public place less confidence in the Police of the British Provinces, especially those in Madras, than they do in the Mysore Police, as the former are addicted to more malpractices than the latter; and that this immunity from criminal tendencies on the part of the Mysore Police, is due to the wise supervision of Amildars and Deputy Commissioners. This is a most comforting theory, which, however, is not altogether borne out by hard and uncomfortable facts.

My experience as a Police officer in the Madras Presidency, as District Magistrate and Superintendent of Police in Coorg, as Deputy Commissioner and Head of the Police in two Districts of Mysore, and as Inspector General of Police in Mysore, during the last nine months, does not, I regret to say, bear out these statements. The Indian Policeman, whether he carries on his duties in the sun-baked plains of Tinnevelly, on the salubrious plateau of Mysore, or on the snow-capped hills of Simla, is the same much abused, ill-paid human being, open to the bad influences incidental to his trade, and with very few inducements to resist them. The Police all over India, including Mysore, are underpaid, ill-educated, and imbued with past traditions that the taking of bribes, and the extorting of confessions are the usual "mamul" or custom of a police man's office. Until a generation of better-educated and higher-principled men grow up, and can be induced by better pay to enlist in the Police, so long will the same unfortunate lapses from rectitude be noticeable in *all* the Police Departments in India.

That these lapses are more infrequent in Mysore than elsewhere, is not, I regret to say, proved by statistics, which in the absence of any other evidence to the contrary, are the only reliable data by which such irresponsible statements as those made by the *Mysore Standard's* correspondent can be tested. The appended statement gives the number of convictions obtained against Police officers and men in the criminal courts of Mysore, as compared with similar statistics elsewhere in India.

4. The fourth objection is that the Amildar, when no longer a Police officer, will cease to interest himself in Police affairs. When dealing with the question how far the Amildar *as a Magistrate,* is competent to interfere with, or exercise authority over, the Police of his taluk, there seems to be no surer guide than the Criminal Procedure Code, which lays down rules of guidance in most clear and emphatic terms. If these are strictly adhered to both in spirit and in letter, there appears to me little or no difficulty in solving the problem of how much authority the Amildar should exercise over the Police Force in his jurisdiction.

Let it be conceded, that under existing circumstances, there is absolutely no need for the Amildar to interfere with the Police in purely routine and departmental matters, these being left to the departmental officers; then there will still be left him his responsibility as a Magistrate and head of his taluk, of the general control over the Police of his taluk; to much the same extent as regards control, that the District Magistrate should exercise over the Police of his district. I for one do not desire to see the Amildars relinquish or shirk this responsibility.

The powers and responsibilities of the Taluk Magistrates as regards Police cases are defined by the Criminal Procedure Code. The first information report of a crime is sent to him (Section 157). This section provides that on receipt of this report, the Magistrate may await the Police Officer's action, direct an investigation, or proceed himself, or through a subordinate, to hold the preliminary inquiry (Section 159). The Magistrate is kept in touch with Police action throughout. All arrests have to be reported to him, all remands are granted by him, and he receives final reports either on A, B or C sheets, according as the case is considered true, false, or undetectable by the Police. All cases refused investigation by the Police under Section 157 are reported to him. His connection with a case should begin with the first information report and continue to the final report. If he fails to take interest in his Police cases *as a Magistrate,* the fault does not lie with the system, but with the individual. The Criminal Procedure Code desires that as a Magistrate he should make use of all information gleaned by the Police (Section 172) and look into the whole Police action in a case; and if he fails to do this, a valuable check on Police work is lost.

The intention of the law is for the Police to investigate the case for the Magistrate, who in turn conducts the Magisterial inquiry, sifting every point, and if necessary, at any stage of the inquiry, or trial, summoning any person as a witness (Section 540). The Magistrate is jointly responsible with the Police, for the prevention of crime, and for the protection of the community; and whatever his departmental standing, whether as Police Officer, or as Magistrate, may be, he cannot, under the Criminal Procedure Code, divest himself of this responsibility.

What I contend is that the more he restricts himself to his position as a Magistrate, the greater will be his prestige and power for good, as regards his general control over the Police, who are his subordinates for the prevention and detection of crime.

NOTE.—The following opinions expressed in 1868 by the Viceroy, and in 1872 by Mr. Mangles, Judicial Commissioner of Mysore, on the important question of the Police powers of Amildars, may be of interest.

In para 6 of the rules for the organisation and working of the Regular Police of Mysore of 1872, Mr. Mangles laid down that "Amildars and other Judicial officers, who will, as a rule, take up all cases prosecuted by the Police, shall have no executive or departmental authority over either the village or organised Police."

In 1868 the Viceroy and Governor-General, in sanctioning Major Gompertz's Scheme for the re-organisation of the Bangalore Police, wrote as follows:—

"The main feature of the present scheme is that it will effect a complete separation between the Police *and revenue duties* as administered by subordinate native officials. His Excellency in Council is decidedly of opinion that abuses may be expected, and will be difficult of detection, so long as the powers of both those departments are entrusted to the same individuals."

II. DISTRICT SUPERINTENDENTS AND DEPUTY COMMISSIONERS.

5. As regards the status and pay of District Superintendents and Assistant District Superintendents of Police, it is alleged that officers of the Forest, Public Works, Excise, and other Departments, are entrusted with more or less independent work, because they are of better status and get better pay than Police Superintendents and Assistants. This is erroneous: it is not because Superintendents and Assistants draw less pay (for they are as well paid as other officers of equal standing) or have less responsible work, or less efficient, that their status is not recognised; it is because they are given *no defined responsibilities* and have no *independent authority as District Police Officers.*

If there is a particle of truth in this argument, the remedy is well within the grasp of Government. Let competent officers be appointed in the place of those who are considered inefficient. The pay is quite sufficient to attract excellent material, if the status is assured, by the assigning of definite responsibility and authority.

Of the present Superintendents and Assistants, Messrs. L. Krishna Rao, Nagar Subba Rao, Zahiruddin Meccai, Krishna Murti, Nadiga Subba Rao, Ramaswamiah, Mahomed Jaffer, Mahomed Raza, Gulam Mohideen Khan (all the superior officers of the department except Mr. Syeduddin) have passed the required Criminal and Revenue Tests, and are officers of experience and long service, who are all eligible to rank as Assistant Commissioners in the Revenue Department.

Is it to be presumed, that because it is their misfortune to be in the Police Department, they are even in the most simple routine matters and in the matter of discipline and working of the department, incapable of doing their work without "the guiding hand" of Deputy Commissioners; and this too when the whole of their work is directly supervised and checked by the Inspector-General of Police?

6. As regards the last objection, most Deputy Commissioners candidly allow that they give their Superintendents or Assistants a free hand in all routine Police matters; then why fight for the shadow when the substance has gone, why desire to retain a nominal authority and supervision which is seldom if ever exercised.

While on this subject of direct correspondence between the District Police Officer and the Head of the Police Department, I would venture to lay before the Select Committee my views as regards the duties of an Inspector-General of Police.

During the last 30 years the Inspectors-General of Police have been engaged in organising and arranging the routine, executive, and disciplinary details, which required careful and constant attention to allow of so large and unwieldy a machine as the Police Department working smoothly and effectively.

Changed circumstances and a fairly well organised department, however, bring the other and equally important duties of an Inspector-General into prominence.

They are roughly as follows:—

(1) The Inspector-General should be the central authority through whom all inter-district and extra-border information should pass with regard to heinous offences, and the surveillance of criminal gangs, persons, and wandering foreigners.

(2) He should control the investigation of peculiar and extraordinary crime, in which the Criminal Identification Department or the Finger Print Bureau may be of assistance to the District Officer.

(3) He should be responsible for the efficiency of all officers of the Police Department directly concerned in the executive work of suppression and prevention of crime.

(4) He should insist on the maintenance of cordial and intelligent co-operation between the Police of different districts.;

(5) He should examine case diaries and advise District Police Officers in the conduct of cases.

Without some such central authority the work of District Police Officers must of necessity be spasmodic and disconnected; each District Officer working more or less for his own hand, and without intelligent co-operation with his neighbours, or with Police Officers beyond the border. This co-operation is most needed in the matter of the surveillance of criminal gangs, and the following up of clues in difficult and complicated professional crime.

To make the Police a *compact* and efficient body capable of dealing with and following up crime, there must be a controlling and central authority. Government must have a responsible Head of the Department and an adviser in Police matters not only as regards routine and discipline, but also in the matter of suppression and prevention of crime and shadowing of criminals.

These duties which are, I consider, most essential to the office of Inspector-General, will be rendered inoperative, if the Inspector-General is hampered by the present system of correspondence with his executive District Officers. If the responsibility for the departmental routine of the District Police Administration is to be divided, under the dual control of Deputy Commissioners and District Superintendents of Police, then much of the good of a central control will be nullified; as the great object of all Police work, whether in the conduct of heinous crime, or of surveillance of criminals, depends on *prompt action and sustained persevering effort.* Thrust between the Inspector-General and the District Superintendent the intervening authority of Deputy Commissioners, and there must necessarily arise a certain amount of delay and circumlocution.

RECOMMENDATIONS.

In consonance with the proposals contained in my several Memoranda. I would recommend,

(1) That Sections 13 and 14 (1) and (2) of the Draft Police Regulation be amended as follows :—

The amendment to Section 13 to run,

"Subject to the general control of the Inspector-General, the District Superintendent shall be the head of the Police in his District, and shall as such direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceeding, and all matters of executive detail in the fulfilment of their duties by the Police force of his district.

(1) The District Superintendent and the Police force of the district shall be under the general control and direction of the Magistrate of the district, subject to such rules and orders as Government may from time to time make in this behalf."

The amendment to Section 14 (1) and (2) to run,

Subject as aforesaid, the Inspector shall be the head of the Police in his taluk, as regards all matters of executive detail, discipline, and departmental routine, but shall be under the general control and direction of the Amildar or Deputy Amildar, as Magistrate of the Taluk or Sub-Taluk, as the case may be, in all matters relating to prevention and detection of crime."

(2) That the term Inspector be defined, in Section 4 (*b*) of the Draft Regulation.

(3) That in Sections 10, 11, 15, 17 (1) and (3), 18 (1) and (2), 19, 25 (3), 27 (1) and (2) and 29, of the Draft Regulation, the words " District Magistrate " be substituted for " Deputy Commissioner,"

(4) That in Section 24 the words " Deputy Commissioner " be omitted.

(5) That in Sections 30 and 31 (1) the words " District Superintendent " be substituted for " Deputy Commissioner."

Extract from Mr. Carr's D. O., dated the 17th February 1905, to the Secretary to the Committee.

In the light of the discussions that took place at the conference, I would ask the President to kindly view with favour the following compromise, between the amendments adopted by the Committee (with my reservations), and my proposals as indicated in my last Memorandum.

Section 13 to run thus :—

Subject to the general control of the Inspector-General and without prejudice to the general powers and responsibility of the Deputy Commissioner over the Police force of his district, the District Superintendent shall $\frac{\text{direct and control}}{\text{have direct control over}}$ matters connected with :—

(*a*) arms, accoutrements, clothing,
(*b*) drill, exercise,
(*c*) observation and surveillance of gangs, K. Ds., suspects, collection and communication of intelligence and information, identification of persons by finger prints or otherwise,
(*d*) distribution of duties and beats,
(*e*) education of men and officers in laws, orders, and modes of police procedure,
(*f*) all other matters of an ordinary or routine nature,

and shall correspond direct with the Inspector-General in all such matters; provided that the Deputy Commissioner of the District may require from the District Superintendent reports either particular or general on any matters as aforesaid." (*Vide* Bombay Act, Section 15.)

Sub-section (2) of Section 14 to run :—

(2) "Subject as aforesaid, and without prejudice to the general control and direction of the Amildar over the Police force of his Taluk, the Inspector shall be the executive head of the Police of his range, and shall correspond direct with the District Superintendent in all matters of an ordinary or routine nature."

The President will, I am sure, recognize that by the above proposed amendments, I have attempted to find a *via media* between my original recommendations and the proposals of the Select Police Committee, embodying the fundamental principles of both. It should be remembered also that after practical experiment of the way in which the new Regulation works, it will lie with Government to frame rules modifying or adjusting such portion or portions of the Regulation as may not be found to work as smoothly as is anticipated.

With these observations, I leave it with the President to make what recommendations he may deem fit to Government, on the matter of my proposals and amendments.

Comparative statement showing Results of Police investigation in places where the Amildars are not Heads of Police.

(*Vide* Para 2.)

Districts.	Total number of cases investigated including cases pending from previous years. (Col. 11 of A iii.)			Number of cases ending in conviction.			Number of cases ending in acquittal.			Percentage of cases ending in conviction to total number of cases investigated. (Col. 3 to 2.)			Percentage of cases ending in conviction to cases decided, (Col. 3 to 3 and 4.)		
	1901-02.	1902-03.	1903-04.	1901-02.	1902-03.	1903-04.	1901-02.	1902-03.	1903-04.	1901-02.	1902-03.	1903-04.	1901-02.	1902-03.	1903-04.
Districts (not including Kolar Gold Fields, Cities and Railway).	6,012	5,828	5,200	1,691	1,650	1,283	582	679	538	28·1	27·4	24·6	74·3	70·1	70·4
Kolar Gold Fields ...	1,131	1,137	1,091	654	426	354	117	140	81	57·8	37·4	32·4	84·8	75·2	81·1
Bangalore City ...	891	1,041	871	490	545	328	25	52	54	54·9	52·3	37·6	95·1	91·2	85·8
Mysore City ...	272	237	230	113	62	83	24	28	18	41·5	26·1	36·08	82·4	68·8	82·1

Statistics taken from Statement F of the Administration Reports of the various Presidencies and Provinces in India.

(*Vide* Para 3.)

	Mysore Province.						Madras Presidency.						Bombay Presidency.					
	Actual strength of police.		Convicted by Magistrate or Sessions Court.		Percentage convicted per 1,000 men.		Actual strength of police.		Convicted by Magistrate or Sessions Court.		Percentage convicted per 1,000 men.		Actual strength of police.		Convicted by Magistrate or Sessions Court.		Percentage convicted per 1,000 men.	
	Officers.	Men.	Officers.	Men.	Officers.	Men.	Officers.	Men.	Officers.	Men.	Officers.	Men.	Officers.	Men.	Officers.	Men.	Officers.	Men.
1900-1901 or 1900..	840	4,522	1	34	1·2	7·5	3,072	19,61	16	229	5·2	11·6	3,364	11,969	14	105	4·1	8·7
1901-1902 or 1901...	842	4,685	1	40	1·2	8·5	3,008	19,907	20	247	6·6	12·4	4,575	17,244	19	143	4·1	8·2
1902-1903 or 1902...	846	4,560	6	36	7·1	7·8	3,035	20,441	16	225	5·2	11·0	4,602	17,294	14	125	3·0	7·2
1903-1904 or 1903 ..	850	4,779	3	48	3·5	10·0	3,049	20,935	12	197	3·9	9·4	4,631	17,222	14	132	3·0	7·6

	Central Provinces.						Punjab.						Lower Provinces of Bengal.					
	Actual strength of police.		Convicted by Magistrate or Sessions Court.		Percentage convicted per 1,000 men.		Actual strength of police.		Convicted by Magistrate or Sessions Court.		Percentage convicted per 1,000 men.		Actual strength of police.		Convicted by Magistrate or Sessions Court.		Percentage convicted per 1,000 men.	
	Officers.	Men.	Officers.	Men.	Officers.	Men.	Officers.	Men.	Officers.	Men.	Officers.	Men.	Officers.	Men.	Officers.	Men.	Officers.	Men.
1900-1901 or 1900.	1,395	7,121	12	58	8·6	8·1	3,336	16,783	10	148	3·0	8·8	3,669	20,853	17	311	4·6	14·9
1901-1902 or 1901.	1,391	7,010	11	54	7·9	7·7	2,946	14,541	9	92	3·0	6·3	3,654	20,922	16	285	4·3	13·6
1902-1903 or 1902.	1,415	7,102	7	77	4·9	10·8	3,026	14,957	7	102	2·3	6·8	3,697	20,899	28	336	7·5	16·0
1903-1904 or 1903.	1,976	9,241	10	70	5·0	7·5	3,070	15,168	6	97	1·9	6·3	3,769	21,290	22	252	5·3	11·8

Appendix II.

Minute of Mr. K. P. Puttanna Chetty, on the subject of the Police powers of Deputy Commissioners and Amildars.

MINUTE ON THE DRAFT POLICE REGULATION BY MR. K. P. PUTTANNA CHETTY, DEPUTY COMMISSIONER, KOLAR DISTRICT, AND MEMBER OF THE COMMITTEE FOR REVISING THE DRAFT POLICE REGULATION.

In accordance with the direction contained in Government Proceedings No. 565-77—Legis. 11-1, dated 29th August 1904, constituting a Committee for the consideration of the Draft Police Regulation and appointing me a member thereof, I had the privilege of attending all the sittings held in that connection at Bangalore, under the Presidentship of Mr. Justice Rangasami Iyengar and of taking part in the deliberations of the Committee. On a careful study of the papers connected with the Regulation placed at my disposal from time to time by the Secretary to the Committee, a comparison of the several systems of Police Administration obtaining in the British Provinces and as the result of the discussions held at the sittings of the Committee, I am now able to place on record my views on the questions that came up for consideration before the Committee.

2. The question of a Police Regulation for the Province was first mooted in 1897 and has since been engaging the attention of Government. A Draft Regulation was framed in the Legislative Department in 1901 and circulated to the Inspector General of Police, Deputy Commissioners of Districts and selected officers for an expression of their opinion and proposals for amendments if any. On receipt of their replies, Government were pleased to adopt some of the recommendations made by them and prepared a re-draft and in view of the importance of the subject, deemed it necessary to appoint the present Committee for the consideration of the Draft Regulation before passing it into law.

3. At the first sitting of the Committee Mr. Carr, Inspector General of Police and a member of the Committee, proposed to read a paper setting forth his views regarding the authority to be exercised by the Inspector General, Deputy Commissioners, Superintendents of Police and Amildars respectively, in Police matters. As the proposals appeared to aim at the subversion either partially or in toto of the present system of Police Administration in the Province with the Deputy Commissioner and Amildar as the Head of the District and Taluk Police respectively and consequent alteration in the Draft Police Regulation deviating, in a large measure, from the lines on which the Regulation was based, the Committee ruled that the proposals of the Inspector General were beyond the scope of the present enquiry unless the Government specially authorised the Committee to consider them also.

4. The Inspector General thereupon addressed Government on the matter and in their Proceedings No. 799-808—Police 65-2, dated 23rd September 1904, Government directed that the memorandum by the Inspector General of Police on the Police powers of the Deputy Commissioners and Amildars, may be placed before the Committee for their opinion and requested the Deputy Commissioners of Districts to submit their opinions in the matter direct to the President of the Committee. Copies of opinions received from the Deputy Commissioners and selected Assistant Commissioners have been circulated to the members.

5. The Committee at its first and subsequent sittings discussed in detail the sections of the Regulation one after the other. The amendments to the Draft Regulation that were considered necessary were adopted and embodied in the Regulation. In the last 2 sittings the proposals of Mr. Carr were taken up and discussed at length in all their bearings and in the light of the opinions of the Deputy Commissioners and certain public bodies and the press, placed before the Committee. I append in the concluding portion of the memo, the only changes in the present Police Administration which could in my humble opinion be safely effected and base my conclusions on the following considerations.

6. The Police Administration forms one of the most important executive functions of every constitutional Government, the chief feature of which is the guarantee afforded to the life and property of the subjects in return for their loyalty and allegiance to the sovereign authority. The efficiency of the work of the Police should be gauged by the confidence of security generated in the public mind by the prevention of crimes and the detection of those perpetrated and the wholesome fear inspired in the criminal classes by the effective supervision exercised over them. The history of the Police Administration in Mysore has been one of gradual evolution and steady progress and its development is characterized by the strictest economy consistent with efficiency and the needs of the country, secured by the distinguished persons responsible for the Administration both before and after the rendition. The key-note of their policy appears to have been to maintain the balance of authority and a determination to prevent hasty schemes unsuited to the wants of the country and likely to embarass the finances of the State being ingrafted upon the administration.

7. The present Police system had its germ in the old Kandachar system which replaced in 1834, the earlier Police system consisting of the village servants and the irregular infantry

The chief features of the earlier Police system and the Kandachar system which followed were the numerically large number of the men consisting the force, the smallness of their pay which was mostly in kind and sometimes by the grant of rent-free lands, the indefiniteness of their duties and the indiscriminate distribution of the force. These were necessitated by the somewhat unsettled state of the country at that time, the number of forts or strong-holds that existed and the frequent foreign raids on the country. On the organization of the Kandachar system in 1834, the Amildar was declared the head of the Taluk Police and the duties of the Kandachar peons were defined *vide* Hukumnama of 1834. In 1847 a reduction of Kandachar peons was effected by the employment of barr and silhadar forces for some of the duties which till then devolved on the Kandachar peons such as guarding the treasuries, escorting treasure, &c.

8. In 1859 a proposal was made to separate the Police from the Revenue authorities by the formation of a Civil Police corps, but failed on account of the Superintendents of Divisions being averse to the measure which, in their opinion, entailed grave consequences and they stated that the formation of the barr and silhadar forces had already anticipated the proposed scheme.

9. In 1862 an attempt was again made to introduce a Police system on the lines of the Government of India Act V of 1861 and Madras Police Act XXIV of 1859. Mr. Bowring, the then Chief Commissioner, considered that such a step was not necessary and his remarks are so pertinent that extracts from them will throw light as regards the principles on which the development of the Police in Mysore had been fostered under the careful statesmenship of the eminent men that were at the helm of the administration from time to time. He says "it is very evident to me however that some change must be made both in regard to the pay of these men and the duties which they now perform and I purpose to take the opinions of the Superintendents of Divisions on the subject before recommending any change for the approval of the Government of India. It does not seem desirable to introduce in a Province which has been for so many years under British control, any innovation of the necessity for which there is no positive certainty especially where, as in the case of Mysore, the expenditure has been reduced to the minimum and it has been steadily kept in mind hitherto, that the basis of administration must be fashioned according to prevailing native usage." In issuing certain orders regarding the revision of the force he adds in another place. "The above suggestions may be useful to you in the course of carrying out the revision of the Taluk establishments and I am desired to impress upon you the necessity of obtaining efficiency and economy without having recourse to the minute superintendence in force in the Madras Presidency, which from the fact of its requiring additional European agency is very expensive."

10. In 1866, the Government of India Act V of 1861 was introduced into the Town and District of Bangalore and a new Police was organized for Bangalore on the Madras system which under the personal superintendence of Captain Gompertz worked with increased vigilance and better discipline. The Police of Bangalore District was reorganized on the same lines in 1869 at additional cost. The Chief Commissioner Mr. Bowring was not however for adopting the Madras system as a whole and the then Superintendents of Divisions were also of the same opinion. But the necessity for a well considered reorganization of the whole force of the Province in spite of the additional cost it might entail, was recognized.

11. In 1871, the Government of India ordered the reorganization of the Police and in sanctioning the establishment throughout the Province, of new Police arrangements, based on the Village Police system, instead of adopting the Madras system of organization, they observed as follows :—

"The new (that is the Madras) system, although favorably reported on after the lapse of a year, was found to entail a considerable increase of expenditure. It, moreover, possessed the radical defect of overlooking in great measure the existence of the Village Police, a class which, if properly organised and remunerated, is capable of performing useful service to the State. The patels and talaries had not sufficient remuneration. In some cases, Inams granted for the maintenance of Village Police had been alienated or diverted from that object. Thus the village system had not been sufficiently cared for and the superior advantages, which the village officers possessed with their local knowledge over the Regular Police in detecting or giving information regarding dacoits, &c., was not utilized. It was therefore considered necessary that the village institutions should be duly recognised in any comprehensive Police system for the whole Province, with the view of securing economy and efficiency, especially as the number of persons registered as holding service lands amounted at the time to 14,000."

12. As the result of reconstitution of the Police on the principles laid down in the last para, endeavours were set on foot to restore the Village Police to a condition of reasonable vigour and efficiency by framing a few simple rules. The question of their remuneration was taken on hand and the duties of the Police patel and village servants were defined. The Kandachar Police was superseded by a constabulary similar to that already introduced into Bangalore, but having the Village Police for its basis, the functions of the latter being to act as auxiliaries to the former. At the close of 1872 rules were drawn up for the organisation and regulation of the Village and Regular Police, and for the guidance of the Magistracy in connection with the Police. Here terminated the Kandachar Police, with a record of nearly

40 years of useful work and was superseded by the Village and Regular Police as constituted above, which has come down to the present time with the modifications and developments introduced be the changing circumstances of the administration.

13. Under the new rules the Deputy Superintendents and Magistrates of Districts continued to be the head of the Police in each District and the Taluk Magistrates the head of Village Police of their Taluk, while the Inspectors were made the head of the Taluk Regular Police. The Amildar who was the head of the Kandachar Police of the Taluk, ceased to be such under the new scheme of Regular Police. This continued till 1878. In that year as the result of the severe famine from which the country suffered during 1876 and 1877, retrenchments were made in all departments of the State and in consequence several reductions were ordered in the Police Department. The post of Deputy Inspector General of Police was abolished, the Police Assistant Commissioners were done away with, Taluk Inspectors who were for about 5 years in independent charge of the Taluk Police were placed in subordination to the Amildars, which continues to the present day.

14. The subsequent history of the Police Administration in Mysore relates to the augmentation of the force from time to time, creation of new posts to meet the requirements of the changed circumstances, the revival of the Police Assistant Commissioners who were latterly designated Superintendents and Assistant Superintendents, the appointment of an Inspector General of Police in 1885, the several orders issued from time to time defining the powers and duties of the Inspector General, Deputy Commissioners, Superintendents of Police and Amildars and the framing of the rules regarding the internal management of the force and office routine.

15. It is thus seen that the 70 years' Police Administration in Mysore from 1834 to 1904 of which 47 years were under British Administration and 23 years under the direct control of His Highness the Maharaja, was characterised by a firm and determined attitude on the part of the rulers of the Province in resisting the impetus from outside for the premature extension into the Province of the elaborate Police system of the Regulation Provinces, where on account of the early conquest by the British and the direct assumption of authority, the vastness of the territory subjected to a local Government, the completion of the Revenue Survey and Settlement on a permanent basis, the density of the population and other political circumstances, the early introduction of an elaborate system of Police separated from the Judical and Revenue authorities was necessary and possible. It is also seen that except for a brief space of 5 years during which the Police Inspectors held independent executive charge of their respective Taluks, the Deputy Superintendents and their successors, the Deputy Commissioners and the Amildars continue to this day to be the head of the District and Taluk Police respectively. Before discussing the changes now recommended it shall not be out of place here to quote the extracts which set forth the exact nature of the control which the Deputy Commissioners and Amildars were expected to exercise over the District and Taluk Police.

16. The following extracts from Mr. Gordon's letters to the Chief Commissioner and the latter's orders thereon, throw much light upon the question:—

"In the first place, I have explained that the appointment of a Deputy Inspector General of Police and of an Assistant Commissioner under each of the Deputy Commissioners, while intended to provide for the better organisation and supervision of the Police, do not in any way affect the position and responsibility of the Deputy Commissioner as head of the Police in his District.

"With the aid of one of his General Assistants in executive charge, the Deputy Commissioner can exercise a salutary supervision over the working of the Police and his identification with it will prevent that quasi-antagonism with the Taluk Magistracy, which, in most of the Madras Districts, works so much to the detriment of the Police and which is due to the officer in executive charge of the force having a distinct *locus standi* from the District Magistrate.

"In this Province, looking to the future and with Deputy Commissioners as head of Police in their Districts, I am very strongly of opinion that the Police should be viewed as an integral part of their establishments (the departmental detail of it alone being taken out of the hands of their subordinate Magistrates).

"I have the honor to inform you that though in view to the more convenient despatch of current Police work you are at liberty to make arrangements for the disposal of minor details by the Assistant Commissioner in charge of the Police, yet it must be borne in mind clearly that the appointment of that officer is not intended to divest you *in any way* of the responsibility which attaches to you (and to you wholly) for the efficient discipline and general working of the District Police, of which you, as District Magistrate, are the head, any correspondence therefore conducted by the Assistant with other departments would be carried out in your name with your knowledge and on your responsibility.

"It will be perceived that I have been careful to explain that the responsibility for the general efficiency of the Police in each district will rest wholly upon the Deputy Commissioner and in order further to impress this I have vested him (under my immediate control) with due authority in regard to the appointment, promotion, punishment, removal and allocation of officers and men of the Police.

"The Assistant will hold a responsible position directly under you as your representative in Police matters; he will preserve intimate official relations with you and by means of his confidential diary keep you fully informed of everything relating to Police Administration.

"He will be at your disposal for all duties connected with the working of the Police, he should visit the scene of grave crime which may have occurred or may be anticipated, guiding and controlling the action of Police subordinates therein and promptly bringing to your notice any irregularities or instances of laxity on the part of the Taluk Magistracy. He will make frequent tours of inspection in the District keeping you advised of all he does and notices and by his personal inspections aid you in the thorough and practical supervision of the Police, but he will not possess any authority or *locus standi* distinct from yourself in Police matters.

"Matters of discipline such as promotion, punishment, granting of leave, routine of duty, equipment, accommodation in regard to station houses, scrutiny of returns, etc., in fact all matters of internal Police detail, should ordinarily be conducted through the Assistant and you may, at your discretion, vest him with such authority to promote, punish, remove or grant leave, etc., to men of inferior grades as you think necessary to strengthen his position, but in dealing with such matters he will mention them in his diary and only exercise such authority subject to your sanction and control.

"It is, however, to the Deputy Commissioner of the District, that the Chief Commissioner must look for the main work of Police Administration. Each Deputy Commissioner must supervise personally the working of the Police in his district. He will be required personally to direct detective and preventive measures, and he will be held personally responsible for the state of crime and the safety of his district. It is very undesirable that the responsibility for these most important duties should devolve on any other than the head of the district and as the Deputy Commissioner under existing arrangements is wholly relieved of Civil Judicial duties and will also have considerable relief in the trial of Magisterial cases, original and appellate, there can no longer remain any justification for the arrangement hitherto made of entrusting the main work of the Police to a separate Assistant Commissioner. The special Police Assistants will be dispensed with, but the Deputy Commissioners will have the assistance of the General Assistant Commissioner in this branch as in other branches of their work.

"It is Mr. Gordon's desire that as the Deputy Commissioner is for the district, so the Amildar shall be for his taluk, the real responsible head of the Police, exercising Police functions, as was customary until a few years ago. The Chief Commissioner believes that by his influence, experience and opportunities of obtaining information and knowledge of the people, the Amildar in his taluk will be far better able to detect crime and successfully to cope with the work of Police Administration than any separate officer. Mr. Gordon proposes that the Amildar shall retain Magisterial powers but the exercise of these powers will be less frequently required now that the Munsiffs are also Magistrates and will dispose of much of the more important class of Magisterial cases.

"The Police Inspectors and Sub-Inspectors will cease to be independent Police Officers. An Inspector with one or two jamadars as assistants will still be required for each taluk to assist the Amildar in the detection of crime and in prosecuting cases before the Magisterial Officers.

"In a small Province like Mysore, it is not easy to provide adequately, and at the same time, economically, for the control of the Police. The Province is not large enough to afford a highly paid Inspector General and it is not sufficient to give supreme control to a Junior Officer. Hitherto, therefore, the Judicial Commissioner has been Inspector General of Police, but the arrangement by which, one officer is at the same time head of the Judicial and Police organization was never looked on as satisfactory, and has always been liable to be changed. Yet it is not easy to find another officer who could relieve him of the duty and the difficulty has only been solved by the Chief Commissioner assuming the direct control himself.

"The transfer of the charge of the Taluk Police from the Inspector to the Amildar is a measure necessary not only because it is desirable to utilise the Amildar's local knowledge and influence for the detection and prevention of the grave kinds of crime but also because it must tend to the rapid resuscitation of the Village Police which in most parts of the Province has not yet received the attention it so imperatively demands. Another most important consideration which calls for the change of system is the present condition of the finances of the Province. The force according to the present scale costs per annum as follows in salaries and horse allowances :—

				Rs.
Officers	..	...	...	1,51,728
Men	...	...	...	3,23,880
		Total	...	4,75,608"

17. The above remarks relate to the pre-rendition period of the Police Administration. The Judicial Commissioner ceased in 1879 to be the Executive Head of the Police for the Province and the Chief Commissioner assumed charge of it. He continued to

hold it till 1881 when His Highness the Maharaja assumed direct control of the State. In consequence of the rendition the old order of the administration underwent some changes and the Police port-folio passed to the Dewan who took the place of the Chief Commissioner. On account of the onerous and multifarious duties that devolved upon the Dewan, it was deemed necessary that he should be relieved of the close and direct supervision of the Police. A separate Inspector General of Police was appointed in 1885 in the person of Mr. L. Ricketts and as the purely Police duties were not sufficiently heavy to require a full-time officer, the offices of the Inspector General of Forests and Plantations and Director of Statistics and Agriculture were combined, and Mr. Ricketts held the charge of the 3 Departments noted above. During the 4 years the Dewan held direct control of the Police, the old system was continued with few or no internal changes. It is worthy of note that the active desire for the separation of the Police control from the Revenue authorities dates from the time of the appointment of a separate Inspector General of Police for the Province. It lay dormant during the many years the Province was directly under the control of European Officers, not that they were not keenly alive to the evils of combining the Judicial and Executive functions—a problem which is still pending solution even in Provinces where the circumstances are most favorable for the experiment being carried out in its entirety—but because they were strongly of opinion that the separation was neither necessary nor expedient both in the interests of the State and the subjects, having in view the peculiar local circumstances of the Province, the peaceful habits of the general population, the system of land revenue and agriculture, the time-honored hereditary village offices, the compactness of the State, the smallness of districts and taluks and beyond all the solicitude to maintain the even prosperity of the financial condition of the State.

18. In the 2nd year of his administration Mr. Ricketts proposed a revised scheme of Police, increasing the number and enhancing the pay of Inspectors involving a total increase of Rs. 73,020. The Dewan referred the proposal back to the Inspector General for further revision with the following remarks.

"The proposal made involves an increase of Rs. 73,020 per annum. This is a great deal more than what the State can, at present, afford to pay. The reconstitution of two districts and six taluks only involves an increase of about Rs. 55,000 inclusive of two Police Assistants and the District Office Police establishment. Any small increase shown to be absolutely necessary, will, of course, be sanctioned. It is doubtful whether the present officers and men could be induced to do better work by an addition to their pay. I would request the Inspector General's special attention to the Proceedings of the late Chief Commissioner No. 489-15, dated 24th September 1880, sanctioning the organization now in force. The pay of the Inspectors was then reduced, because the Amildars were put in charge of the Taluk Police. So long as the Amildar is at the head of the Taluk Police, his Assistant in the Police Department need not get higher pay than his Assistant in the Revenue Department, namely, the Taluk Sheristadar. If the Head-quarter Inspectors be abolished as they well might be, as a Police Assistant Commissioner has been provided for each district, I would not object to giving for the whole Province eight or ten Inspectors on the 70 rupees grade."

"The pay of the 2nd and 3rd grade Inspectors might be analogous to that of Taluk Sheristadars, *viz.*, Rs. 50 and 40".

"I am of opinion that the Amildar should continue to be the head of the Taluk Police and that he should have general powers of control over the Police in his taluk and be responsible for the prevention and detection of crime and the maintenance of order throughout his taluk. This should, in no way, reduce the responsibility of the Inspector or cause needless delay. The Amildar should hold the same relation to the Inspector that the Deputy Commissioner does to the Police Assistant Commissioner. A few simple rules are necessary, and I would like to know what rules the Inspector General would propose."

19. The revised 2nd proposal involving an increase of Rs. 32,800 was submitted and sanctioned after much hesitation as it was represented that without the proposed increase the efficiency of the force could not be maintained.

20. Mr. Ricketts next directed his attention to the separation of the Police control from the Deputy Commissioners and Amildars and set forth his views and reasons therefor in somewhat strong and unsavoury language. The evils of the dual control and the drawbacks of the present system were stated by Mr. Ricketts to be (1) long and almost paralysing delays in responding to the Inspector General's requisitions, mainly due to the system of addressing Deputy Commissioners even in cases of common routine and partly to indecision, want of mastery of subject, and perhaps incapacity on the part of Deputy Commissioners to deal with so many varying subjects. Deputy Commissioners exercise practically no control over the work of the Police and do not lend them much material help or guidance. While the policy of the Deputy Commissioners ought to be non-interference, careful watching and decisive personal action, the practice on the part of most of the Deputy Commissioners is characterised by interference, more especially in matters of detail and of patronage, no watching and no personal action, no guidance before trial or during investigation of cases and lastly, holding up Police Assistant Commissioners for ultimate failure. Deputy Commissioners appear overwhelmed with their other work and wanting in firmness in dealing with defaulting subordinates."

21. The question was also discussed in the conference in connection with the introduction of the Mysore Civil Service scheme in 1891 and Mr. Ricketts submitted the following questions for orders of Government:—

1*stly*. That the Police powers and duties of Deputy Commissioners should be defined in a more definite way than is the case at present, or the Deputy Commissioners should be relieved altogether of Departmental control over the Police Department.

2*ndly*. That the Amildars do not make efficient Heads of Taluk Police.

and 3*rdly*. That the Police Assistants should be graded separately by themselves as Superintendents and Assistant Superintendents of Police and should be better paid than they are at present.

22. After a personal discussion with Mr. Ricketts, the Government were pleased to order as follows:—

"Upon the 1st question, the Government are of opinion that the Deputy Commissioners should, in the interests of an efficient Police Administration, continue to be Heads of Police in their respective districts. The policy which should regulate their interference, as enunciated by Mr. Ricketts in para 2 of his letter of 30th March 1891 is, in the opinion of Government, very reasonable; and in supersession of the memo appended to the late Police Secretary's Circular order No. 107-2, dated 6th May 1885, the Government are now pleased to issue for future guidance the memo appended to these orders.

"Upon the 2nd question the Government are free to confess that Amildars as Heads of Taluk Police have not fulfilled the expectations formed of them when, in 1879-80, they were reinvested with Police functions. The Government think that the experiment of relieving them of Police duties (except, of course, the exercise of such control over the Police as they are entitled to exercise as Magistrates under the Code of Criminal Procedure) may, perhaps be tried in two selected districts, *viz.*, in one head-quarter district and in one mofussil district to be selected by Mr. Ricketts. The experiment must, however, be introduced gradually as competant Inspectors are or become available. When an Inspector is placed in charge of a taluk in the selected district, his salary may have to be raised somewhat. Should the Inspector General wish such an experiment to be introduced into any particular taluk or taluks, he will submit a recommendation to that effect in due course."

23. Mr. V. P. Madhava Rao succeeded Mr. Ricketts in 1892 and he desired to introduce the experiment of placing two or three taluks in each district in independent charge of the Inspector as directed by Government in para 22 *supra*. He further proposed that Inspectors to be appointed to independent charge of the Taluk Police should temporarily receive increase of pay and be graded as follows:—

8 in the 1st Class on Rs. 80+15. | 13 in the 2nd Class on Rs. 70+15.

24. The Government were pleased to order as follows:—

"On a careful consideration of the matter, the Government are of opinion that it is not expedient to relieve the Amildars at present, of Police functions, as proposed by the Inspector General, as the advantages accruing from the measure are doubtful, while the disadvantages resulting therefrom are mainfold.

"The revision of the village Police cannot be deferred much longer without leading to a further deterioration of this useful body, which, slightly improved, is capable of rendering much efficient service to the Police Administration of the State. It has hitherto been accustomed to work under the Amildar of the taluk in all Revenue and Police matters and to look upon him as its natural superior and the withdrawal of Police powers from the Amildars will have the effect of subordinating it to the dual control of the Amildar and the Inspector and thereby causing friction and inconvenience.

"The Governmant cannot admit the correctness of the proposition that for Police Administration to be successful, the Amildars' connection therewith should entirely cease, for it would depend for much of its success more upon the personal character of the officer at its head, whether he be Amildar or Inspector, than upon the kind of office held by him, and it is rather an advantage than the reverse when the officer appointed is one possessing the status of an Amildar. When the Amildar and Taluk Inspector are Officers of more than the average ability, the results are likely to be as satisfactory as, when these officers are indifferent, the reverse would be the case.

"The Amildar while he is able, on occasions of emergency, to have recourse to the various resources at his command throughout the taluk, is always in a position to exercise a healthy moderating influence over the Police, who without such influence, are at times liable to be carried away by departmental zeal into excesses. Altogether, his connection with the department is calculated to produce a salutary moral effect both on the lower ranks of the Police, and on the general public which can scarcely be expected from the Taluk Inspector, however highly paid or however independent he may be.

"If the village Police is ever to be improved, it can only be with the co-operation and through the instrumentality of the Amildar of the taluk.

"Under such circumstances, the Government are of opinion that it is most undesirable to sever the Amildar's connection with the Police Administration of his taluk.

"There is, however, some truth in the allegation that the Amildars being above the powers of punishment vested in the Inspector General, any incapacity or unwillingness or any dereliction of duty in Police matters on their part often goes unpunished. The Inspector General complains, and complains not without reason, that the good or bad work of Amildars in the Police Department does not invariably receive at the hands of Government that treatment which it deserves. This, however, is due more to the present system, under which recommendations for promotion or punishment of Amildars are submitted by Deputy Commissioners to the Government direct, based upon the estimate of the work done in other departments, than to any desire to ignore the importance of the good or bad Police work of an Amildar. The remedy for this evil is not far to seek or difficult to apply. If the recommendation by the Deputy Commissioner for the promotion or punishment of an Amildar, instead of being submitted direct to Government, is required to be sent through the Inspector General of Police, so as to enable the latter officer to forward it after recording his opinion of the Amildar's discharge of Police duties, the Government will then be able to adjudge its reward or punishment, after due consideration of the way in which the whole of the duties of the taluk, including those relating to the Police, may have been discharged. By the adoption of this course, which the Deputy Commissioners are now enjoined to follow, the objection, that the indifference of the Amildar to Police work is the result of the want of sufficient powers of control in the departmental head, will, it is hoped, altogether disappear."

25. The question therefore stood finally settled in 1892 and the Government were then totally averse to the proposal, as may be gathered from the unequivocal language in which it was rejected. The absence of a Police Regulation was, however, a desideratum and the matter was taken on hand in 1897, and during the time Messrs. Rangasamiengar and Madiah held the office of the Inspector-General of Police, it underwent a process of collation and selection from the systems in force in other parts of India so as to make it best suited to the Province under the existing conditions. The result of the endeavours was the Draft Regulation of 1901 and before passing it into law, the opinions of Mr. Rangasamiengar, then a Chief Court Judge, and of the Deputy Commissioners and selected Police officers were called for. The Government adopted such of the suggestions made by the officers named above as appeared to them sound and practicable. A revised draft was prepared and the Government in view of the importance of the Regulation, deemed it necessary to have the benefit of the discussion of the provisions of the Regulation in a select Committee appointed for the purpose, and constituted such a Committee in Proceedings No. J. 565-577—Legis. 11-1, dated 29th August 1904. It should be borne in mind that during the twelve years that elapsed since the Government expressed in 1892 their disapproval of the proposed change of divesting the Amildars of Police powers and desired to continue the present system of Police, none of the Inspectors-General renewed the proposal, and that during the period of 7 years the Draft Regulation has been under incubation, none of the officers through whose hands it passed and who by their long and devout service in all the departments of the State and mature experience of its affairs, and above all, their intimate and personal knowledge of the people and country, were fully competent to advise the change now proposed, saw fit to do so. It may be safely stated that they did not advocate such a change not because they did not know the working of the Madras Police system, but because they were of opinion that the change was not desirable or suitable for the Province under the existing conditions and needs. The Police system in Mysore with the Deputy Commissioner, *i.e.*, the highest Revenue authority of a district, at the head of the District Police, and the Amildar, the Revenue head of a taluk, as the head of the Taluk Police, is not an institution peculiar to this Province, but obtains elsewhere in Provinces similarly circumstanced.

26. The extract attached to the Resolution of the Government of India, dated 17th August 1860, deprecates the combination of Judicial and Police functions but not the combination of Police functions and Executive Revenue duties. The question therefore reduces itself to the consideration as to how far the present combination in the Amildar of the Judicial functions and control of the Taluk Police, contravenes the principle that these two should not be combined in the ends of abstract justice and with a view to the efficiency of the Civil Police corps. Under the existing magisterial system in Mysore, improved by the recent grouping of taluks into divisions which are in charge of Assistant Commissioners generally with 1st Class Magisterial powers, who have no direct departmental control over the Police, no opportunity for the abuse of the principle enunciated above is likely to occur. The Amildars may send up to Divisional Magistrates cases that are investigated by them as Police officers and those in which their help and advice were sought by the Subordinate Police. In my experience of 9 years as Superintendent of Police and 10 years as a Sub-Division and District Magistrate, I have not come across any noteworthy instance in which justice has miscarried or parties suffered a grievous wrong by the Amildars abusing the combination of Judicial and Police functions. As Magistrates they may take up non-cognizable cases coming directly to the Court and such of the Police cases in the investigation of which they took no part. Apart from the salutary control which they may exercise over the

investigation of cases by the influence and confidence they command with the public, the sources of information they possess and their natural authority over the village servants, as the Revenue head of the taluk, they possess no powers to interfere with the efficiency of the force, more particularly as the recruitment, appointment and removal of all the Police subordinates in the taluk and the internal management of the force rests entirely with the Superintendent and higher officers.

27. The present proposals of Mr. Carr are a revival of those made by Mr. Ricketts in 1891, and should be considered in the light of the observations made above. Our present Police system has more affinity with that obtaining in Bombay, Central Provinces, North-Western Provinces, Bengal Presidency and British Burma than with the Madras system. The evils of the Madras system are not unknown to the people of Mysore who live on the borders of that Presidency and devoutly wish that they may be spared from them. The Policeman in Mysore has much less power for mischief than his compeer in Madras and for this we have to thank our much-maligned system. Loud complaints are heard from other parts of British India regarding the Police from time to time. The recent Police Commission was appointed to make enquiries into the matter and suggest remedies. The deliberations of the Commission and the decision thereon are not yet published. It is, however, expected that several changes in the Police systems now in vogue in the British Provinces will be brought about on the recommendation of the Commission and it will not be a wonder if the Madras Police system undergoes some changes in consequence. It would therefore be premature to say that the Madras system is the best one and that a similar one may be adopted in this Province.

28. Coming now directly to Mr. Carr's proposals they were* stated as follows :—

(1) That Amildars be divested of all purely Police powers and cease to be the Heads of the Taluk Police.

(2) That Deputy Commissioners may continue to be the Heads of the District Police with the modification that District Superintendent and Assistant Superintendents should have direct control over and correspond direct with the Inspector General of Police with regard to all matters of a purely departmental and routine nature.

(3) That the Inspector General should be the ultimate controlling authority under Government with regard to all matters connected with the working of the Police Department in all its branches.

29. He bases the necessity for these changes on the arguments put forth in the memorandum attached to the said letter to Government. In his memorandum embodying the replies to the several objections raised by the officers to whom his proposals were forwarded for an expression of opinion, he goes a step farther and implies that the continuance of the Deputy Commissioner as the Head of the District Police would act more as a hindrance than any real help. In the amendments recommended by him at the final sitting of the Committee, the substitution of the District Magistrate for the Deputy Commissioner in all the places in the Regulation where the latter words occur and the recognition of the District Superintendent of Police as the Head of the District Police independent of the Deputy Commissioner are recommended. Doubtless this proposal will bring the Regulation on a line with the Police Codes in force in the Regulation provinces of the British India. The issues now raised aim at a radical change and the overthrow of a system which has been in existence in the Province for 70 years. The question is whether the present system has been tried and found wanting, whether such changes have taken place in the growth of the administration as to necessitate the immediate adoption of the new proposals, and whether the real evils of the present system are not capable of being remedied without a wholesale deviation from the principles underlying it. These considerations are in my humble opinion important as preliminaries to any reform in the Police Administration, which unlike other departments is indissolubly bound up with the very life of the people, their weal and woe. The matter has to be considered not merely from a departmental point of view, but from the higher stand-point as to how it will affect the mass of the people. The Inspector General's proposal may bring about a better departmental organization with the constable at the base and himself at the apex, freed from the interference of the Deputy Commissioners and Amildars who are not purely Police officers. But *cui bono?* The Police is not a military force where discipline is synonymous with efficiency and must prevail over every other consideration. What is wanted is an efficient Police to aid the Magistracy. A too strong Police defeats the very object of its existence. Human nature being what it is, instead of being the servant of the public, the Police becomes its master. This is the reason why the powers and functions of the Police have been so scrupulously circumscribed. The tendency of the ordinary Policeman is to run riot with his powers, and it is therefore necessary to provide as many checks and safeguards as possible. In the Taluk Administration the Amildar forms such a check. His duties embrace every department of the administration and nothing escapes his notice. He is also a Magistrate. He is far better able than the Inspector to guide and control the actions of the Police in the prevention and detection of crime and the maintenance of law and order. Being the local representative of Government he enjoys the confidence of the people in much larger degree than any purely departmental officer. I should say that a good Amildar is vastly more influential with the people than even a Superintendent of Police. Matters taking place in the dark corners of the taluk at once reach his ears. This

* In his letter No. 1571-179 of 20th September 1904.

in itself will act as a powerful check upon the vagaries of the smaller officials. He has power to interfere promptly and nipo the evil in the bud. The very fact that his supervision extends over their actions acts as a potent check upon the Police. Let us consider that this check is altogether removed. The Inspector becomes the all-powerful head of the Taluk Police, and I am not overdrawing the picture when I state that this will have a most detrimental effect upon the morale of the force and the welfare of the public. It is true that we are now getting a better class of recruits in the Inspectors' ranks. But the pay of the last class of Inspectors is only Rs. 40 and so long as his emoluments remain at this figure he cannot be expected to rise above the temptations which beset him in the performance of his duties. It is a question whether, even if more highly paid, the Inspector will prove an efficient substitute for an Amildar in the performance of the higher duties expected of him. The experience of the adjoining Presidencies does not justify any such hope. The Inspector is much more likely to take a departmental or one-sided view of things, and considerations of prestige and authority are much more likely to weigh with him than the Amildar. The only valid objection to the present system appears to be the combination of the Magisterial and Police powers in one person. In practice, however, no inconvenience is found to arise in the exercise of these combined powers. A good Amildar knows when and where to stop in the exercise of his powers. If he takes an interest in a Police case and guides the action of the Police he need not try it. The Assistant Commissioner in charge of the taluk is always available to take up such cases, but as a matter of fact, all important Police cases being 1st class and Sessions cases, the Amildar cannot try them. In the rare instances in which he makes common cause with the Police and oppresses the public there is the Deputy Commissioner and District Magistrate to bring him to his bearings. In my experience such cases have been so rare that we may leave them out of consideration. Mr. Carr proposes that the Amildar should exercise control over the Police as a Magistrate. This really means no control at all in the thousand and one things which go to make up the duties of a Policeman. He may pass judicial strictures in cases coming up before him, but this is not all that is wanted. He should have executive control over the actions of the Police, which can only come to him as a Police officer and not as a Magistrate. The sobering influence of his position and power is a sufficient guarantee that he will not unnecessarily interfere in the work of the Police. Again he will be a source of power to the Superintendent of Police who cannot be expected to visit all portions of the taluk more than once a year. He will promptly bring to the Superintendent's notice things transpiring in his taluk and will thus be a reliable Assistant to him in the Police Department. I am aware that several Superintendents of Police do not treat the recommendations and suggestions of the Amildars with the respect and attention due to them, and this discourages their enthusiasm for Police work. But a discreet check can be exercised in such cases by the Deputy Commissioner who keeps himself informed of the state of things in the taluks. The raiyats of Mysore are as a class very ignorant and backward and most of them are illiterate. They are not ready to complain, but bear up with a good deal of *zulum*. Consequently it is necessary to provide them with the means of gaining ready access to the head of the taluk with their representations. The absence of such a provision will place them at the mercy of the Police Inspector, in whose decision the people will have no confidence for obvious reasons.

30. These are some of the arguments why the Amildar should remain the Head of the Taluk Police. All these arguments apply with even greater force to the question of Deputy Commissioner continuing to be the Head of the District Police. While I maintain that the present system should remain unchanged in principle, I am willing to admit that a greater freedom of action should be allowed to the Superintendents of Police and Inspectors. They need not be in leading strings. The Superintendent of Police may have direct control in certain matters and be allowed to correspond direct with the head of the department in office routine. Similarly the Inspector should send all his diaries through the Amildar. He may correspond direct with the Superintendent of Police in routine matters. Much must be left to the good sense and mutual relations of the two officers, but the Inspector should understand that he is subordinate to the Amildar.

31. I shall deal in brief with the points urged by Mr. Carr in the memorandum attached to his letter No. 1571—179, dated 20th September 1904, to Government. Paragraphs (1) and (2) of the letter deal with the delay caused in having to correspond through the Deputy Commissioner even in matters purely routine and departmental. It must be admitted that sometimes unavoidable delays are caused when the Deputy Commissioner and Superintendent are in camp in different directions. This cannot be a very serious objection. The Superintendent of Police may be allowed to correspond direct in certain matters and provision has been made for this in the Draft Regulation.

32. In Para (3) Mr. Carr says that it is impossible for the Deputy Commissioners to supervise the departmental and routine matters of the Police Department as they are overwhelmed with work of every description and that therefore they should be required to exercise only general control over the Police, the direct control being left in the hands of the Police Superintendents or Assistant Superintendents, as they do over the other departments in their charge, *viz.*, Forest, Excise, Public Works, Medical and Sanitary Departments. With regard to this it should be noted that the other departments do not enter so largely into the every-day life of the people as the Police. Some of them are technical departments and the Deputy Commissioners could not be expected to supervise their details and therefore a general control

only is required of them, leaving the details in the hands of Assistants specially qualified or trained for the work. The Police Department, as already stated in para 6 *supra*, exists for the well-being of the public and for the protection of life and property of individuals, and its close supervision should therefore rest with the District Officers. It is not necessary, however, that the Deputy Commissioner should look into each and every detail himself as there is a responsible Assistant to him in the Police Department.

33. In para 4 the delay caused by the correspondence even in ordinary routine matters being addressed to the Deputy Commissioners instead of to the Superintendents is referred to. The change now made in the Regulation removes the anomaly complained of.

34. As regards the statement in para 5, that Deputy Commissioners are often only too glad to divest themselves of all personal responsibility with regard to the general control and supervision of Police work in the prevention and investigation of crime and that they sometimes interfere in purely departmental and routine matters, etc., I must entirely dissent from Mr .Carr's views. No Deputy Commissioner has disclaimed responsibility for the working of the Police under him. The serious allegations made against the Deputy Commissioners as a body are unfounded and imaginary, and I for one must repudiate them as being unwarranted.

35. In para 6 it is stated that the majority of Deputy Commissioners recognise fully the difficulties of the present system and generally leave everything in the hands of their Superintendents, never interefering in any matter of Police routine. This is a consummation devoutly to be wished, yet Mr. Carr seems to object to the arrangement even when the Deputy Commissioner and his Police Assistant get on well together. The statement made above moreover contradicts the one made in the previous para.

36. Paras 7, 8 and 9 relate to the Police systems obtaining in the Madras and Bombay Presidencies separated from the Revenue and Judicial authorities, totally in the former and partially in the latter, and it is said that the former system with some modifications is suitable for adoption in Mysore. The Mysore Police Regulation is based upon the Bombay Regulation with necessary modifications, and the unsuitableness of the Madras system is fully explained in the previous portions of the memo. The whole trend of the correspondence shows that the latter has been condemned from the Chief Commissioner's time as unsuited and expensive for the Province and not workable in conjunction with the village Police, which forms the basis of the Mysore Police system.

37. The peculiar conditions of the Province which justify and even demand the continuance of the present system notwithstanding the existence of an organised Police Department with an Inspector General of Police, District and Assistant Superintendents, Taluk and Headquarter Inspectors, referred to in paras 10 to 14 of Mr. Carr's memorandum, are fully explained elsewhere in this minute.

38. The difficulty referred to in para 15, of fixing the responsibility on the right shoulders in the present system, can be easily remedied by the framing of a few simple rules.

39. In para 16 the Inspector General states that the present system places District and Assistant Superintendents in an unnecessarily false position. This is more conjectural than real. Never has a Superintendent suffered at the hands of a Deputy Commissioner for carrying out the Inspector General's orders and no Deputy Commissioner could question the Inspector General's right to give instructions to the District and Assistant Superintendents of Police.

40. The separation of the Magisterial and executive branches alluded to in para 17 of the memorandum has been dealt with in para 26 *supra*.

41. The consensus of opinions collected also points to the same conclusions. Of the eight Deputy Commissioners and District Magistrates, two are on the Committee and the opinions of the other six, three of whom were also Superintendents of Police in their time, are found in the file. All of them are of opinion that the present system is the one best suited to the existing conditions of the State and its requirements.

42. The village Police system is admitted on all hands to be a very useful institution and for its amelioration and effective working, the Amildar's active co-operation is essential, and this cannot be secured by divesting him of executive control over the Police.

43. I have set out my views at some length, as I feel that important interests are at stake. The question is one that concerns the welfare of the raiyat and the solidarity of the Administration, and I have tried to express my views according to my convictions. If the Police is separated from the Deputy Commissioners and Amildars, I think, it will be fraught with evil consequences all round. The present system may be improved upon in the manner suggested by the Committee and I am not prepared to recommend more drastic changes.

K. P. PUTTANNA CHETTY,
Dy. Comr., Kolar Dt., and Member of the Committee for Revising the Draft Police Regulation.

Appendix III.

W. M. Narain Rao's D.O. dated 28 February 1905.

Copy of D.O. dated Chickamagalur the 28th February 1905 addressed by Mr. M.Narain Rao to the President of the Committee.

Kindly excuse my delay in answering your letters and telegram regarding my minute on the Police Regulation. I thought of writing my minute in the latter part of this month, but have not been able to do so as I have been down with fever for the last 6 days.

My Medical attendant Dr. Nanjappa, has advised me to take some leave and perfect rest even after I get a bit better. So I fe ar I will not be able to send in a separate minute as desired without unnecessary loss of time.

As I and my colleague Mr. Puttanna Chetty are perfectly agreed on all points that came up before the Committee, I shall deem it a favor if you will kindly send me his minute to which I shall subscribe my name.

I do not know if this will be in order, but under the present conditions of my health I fear it will take more than a month for me to put down my thoughts on paper. Even that will be a repetition of Mr. Puttanna Chetty's opinions. I would therefore not delay the matter any longer especially as we have already exceeded the time prescribed by Government. Hence the above suggestion , which, I hope, will meet with your approval.

Appendix IV.

Note by the President of the Committee on the subject of the Police Powers of Deputy Commissioners and Amildars.

NOTE.

The various memoranda of the Inspector General of Police were considered in Committee, and the substance of the discussion thereon will be found noted in paras 119 to 138 of the Journal of the Proceedings of the Committee. Mr. Puttanna Chetty has also recorded an elaborate minute in which he has forcibly urged many reasons in refutation of the arguments advanced by Mr. Carr against the present system. I would not therefore go over the same ground but touch only upon a few general aspects of Mr. Carr's proposals.

2. I shall in the first place refer to the observation of Mr. Carr that the present system of Police administration in Mysore with the Deputy Commissioner as head of the District Police and the Amildar as head of the Taluk Police is such a grave anomaly that a regulation which countenances it is not likely to be in consonance with the conclusions of the recent Police Commission or meet with the approval of the Government of India. From what I have been able to gather of the evidence given before the Police Commission, I think that the discussions carried on therein and the conclusions the Government may come to are not likely to have any material bearing on the points raised by Mr. Carr. Except in so far as the District and Taluk officers in their capacity as Magistrates combine in themselves the powers of a Police Officer and of a Magistrate,—the evils of which combination may be remedied by adequate arrangements for the trial of police cases by other Magistrates having no departmental connection with the police,—there can be no objection in principle to the functions of a District or Taluk officer and of the head of the District or Taluk Police being combined in one. It does not matter in principle that the head of the District or Taluk Police is not a police officer, pure and simple, and it has nowhere been contended that the District officer's Revenue functions form any disqualification for his being at the head of the District Police. Where, therefore, other considerations do not intervene, the policy of the Government of India is not likely to clash in principle with the system that obtains in Mysore.

3. It is urged that in placing the Deputy Commissioner at the head of the District Police, in preference to the District Superintendent, we are at variance with the recommendations of the Police Commission of 1860, the provisions of the Government of India Act V of 1861, and the Madras Police system. One of the rules laid down by the Government of India in the memorandum furnished to the Police Commission of 1860, explaining the characteristics of a good Police for India, is that the organization of the Police must be centralized in the hands of the Executive Administration. In the notes appended to this rule, the Government have referred to the fact that in all parts of India the Executive and Judicial functions were, in those days, "united in the same hands in all public offices from the lowest to a very high—often to the highest grade," and in considering what grade of Executive Officers might continue to combine Police and Magisterial functions in them, they have stated that it is difficult to lay down any more definite rule "than by saying that it should be so arranged that an officer should never be liable to try judicially important cases got up under his own directions as a Police officer," and that the question "must be decided in each Province according to local circumstances, bearing in mind the great object that no man should be liable to try important cases judicially which have been got up under his own superintendence." They, however, pointed out that the officer who should combine the two functions should be one who was "responsible for the peace of the District" and who having both the Police and the Magistracy 'subordinate to him,' was in a position 'to ensure their combined action.'

Rule IV.

Propositions 32, 33, 34.

4. The Police Commission proposed that the officer referred to should be the District Officer, that is, the Chief Magisterial Officer in charge of a District, that in him should continue to be vested, as the Chief Conservator of the peace of the district, the general responsibility for the well-being of the district; that the Inspector General should be the centre of an intimate and constant communication with District Officers in relation to all matters respecting the organization of the police and the internal preservation of the peace and the state of crime in the country; that the executive function of officers above the grade of Magistrate of District, namely, of Commissioners of Divisions as Superintendent of Police, should cease; that the District Superintendent should be bound *to obey the orders of the District Officer in all matters relating to the prevention and detection of crime,* the preservation of the peace and *other executive duties and be responsible to him likewise for the efficiency with which the force performs its* duty; and that the District Superintendent should be "subject to the *general administrative and judicial control of the District Officer* with whom he should be in constant and intimate communication".

Proposition 21.

Proposition 22.

Proposition 25.

Proposition 26.

5. The above instructions of the Government of India and the recommendations of the Police Commission clearly show that it was intended that the District Police administration should vest jointly in the District Officer and the District Superintendent, the former being the guiding and supervising authority, and the latter his Executive Officer. I am aware that the Police Commission recommended (and the Government of India Act V of 1861 recognized) that the Police should have "an independent departmental organization and subordination of its own", and that the District Superintendent should, in subordination to the Inspector General, have the command and control of all the police establishment within the district and be answerable for all matters relating to the interior economy of the force and the physical qualifications and the general conduct of the men and the maintenance of discipline and the punctual execution of all orders of the Magistracy. But these provisions could never have been intended to supersede the essential conditions laid down in the Police Scheme as stated in the previous paras, and they can only be taken as an internal administrative arrangement of secondary importance. The Commission also laid it down that only European Officers should be appointed as Superintendents and Assistant Superintendents, a condition of great importance which does not apply to Mysore. Even in the enquiries made by the recent Police Commission, the paucity of European Police Officers in addition to the Superintendents of Police was dwelt upon strongly as the cause of the present inefficiency and corruption of the subordinate police. This will show clearly how necessary it is that the control and supervision of a highly placed and strong District Officer is necessary where such European Officers are not available.

roposition 17.

Propositions 25 and 26.

Proposition 36.

6. I may also add that in the territories in which the Government of India Act V of 1861 is in force, *e. g.*, the United Provinces and Bengal, the departmental orders or the Police Codes have, in a great measure, modified the provisions of the Act regarding the position and powers of the Police Superintendent as the head of the District Police. These modifications are entirely on the lines indicated in the recommendations of the Police Commission referred to above. They provide for the exercise of direction and control by the District Officer in almost every important branch of the police work. They lay down—

U. P. Code, Sec. IIIA. 2. Bengal Code, Ch. II, Section 1 (b).

that the District Superintendent is in the position of an Assistant to the Magistrate in the Police Department and entirely subordinate to him;

Bengal Code, Ch. II, 21, and Ch. VI 2 (b).

that his office should, where possible, be in the same building as that of the Magistrate and looked upon as a branch of that of the Magistrate;

U. P. Code Sec. IIIA. 31.

that the Magistrate should satisfy himself that the District Superintendent does not form the habit of doing his office work at his private house;

U. P. Code, Sec. XIIB. 20. Bengal Code, Ch. VI, 2 (a).

that the District Superintendent should apply for and obtain the orders of the Magistrate in the Magistrate's order-book;

U. P. Code, Sec. IIIA. 6.

U. P. Code, Sec. IIIA. 6. Bengal Code, Ch. II, Sec. 1 (b).

that he should arrange to see the Magistrate at least once a day either at Court or in the Magistrate's house, submit to him an abstract of the crime reported, and other matters of importance, and the diaries received in important cases, verbally explain to him all the particulars that may be needed, inform him of all proposed transfers, promotions and appointments and of everything connected with the Police Administration and be guided by the advice of the Magistrate, and carry out his wishes and orders;

U. P. Code, IIIA. 7.

that he should make his cold weather tour in company with the Magistrate that he may receive any suggestions the latter might make relative to the disposition of the Force, police buildings, or other matters;

U. P. Code, IIIA. 6.

and that he should bear in mind that the more intimate and frequent communication there is between the Magistrate and himself, the more likely is the Police Administration to be successful.

7. Thus, though the District Superintendent in those territories is apparently by law departmentally independent of the District Officer, yet the instructions laid down for his guidance are compatible only with his subordination to the District Officer. And it seems natural that it should be so, for, the mutual consultation and joint action that is enjoined is better attained, and the ideal set up of intimate and trustful intercourse and submission better realized, when there is departmental connection between the District Officer and his subordinate, the District Superintendent, than when the latter is made departmentally independent of the District Officer.

8. Further, it will be seen that the Madras Act XXIV of 1859, was enacted before the Police Commission of 1860 was appointed, and it consequently differs in some essential points from the Government of India Act V of 1861, which was based mainly on the recommendations of the Commission. The Madras Act took no notice of the District Officer or even the District Magistrate, but constituted the Police as an independent self-contained body subordinate to *all Magistrates* qua Magistrates only in matters relating to the prevention and detection of crime. But Act V of 1861, on the other hand, gave prominence to the District Magistrate by premising that the administration of the Police in a District shall, "under the general control and direction of the District Magistrate," be vested in the District Superintendent. Though the recommendations of the Police Commission and their adoption by the Government of India had some effect on the policy of the Madras Police system, the scheme as originally organized under Act XXIV of 1859 could not be entirely modified in accordance with the later enactment of the Government of India so as to formally recognize the authority of District Magistrate. Thus, though the departmental rules provide that the Superintendent is "the District Magistrate's Assistant for Police purposes," that it is his duty to keep the District Magistrate fully and specially informed of the course of crime in the District by personal conference as well as by special reports, etc., the powers recognized as vesting in the District Magistrate in other Administrations in matters of the organization, discipline and internal economy of the Regular Police and of the District Superintendent's correspondence, were not conceded to him, and the department retained its exclusiveness and independence. The Madras system had thus started upon principles different from those recognized by the Government of India, and in trying to conform to these principles afterwards failed to adopt the essential measure deemed necessary in the territories to which Act V of 1861 was introduced to enable the executive head of the District to effectively exercise his powers of general control and direction. It would be wrong therefore to quote the Madras system as an authority in discussing the form and principles of our Police Regulation in this important particular.

9. The contention that in Act V of 1861, and the rules framed thereunder, the District Magistrate is alone referred to and that his powers of control should therefore be limited to those prescribed in the Criminal Procedure Code, appears to be founded on a misconception. The expression "Magistrate of the District" is used in the said Act and Rules in a much wider sense, as is clear from its definition, *viz.*, "the Chief Officer charged with the Executive Administration of a District, and exercising the powers of a Magistrate by whatever designation the Chief Officer charged with such Executive Administration is styled," *vide* Section 1 of the Act. It thus signifies the Collector in British Territories and the Deputy Commissioner (formerly Deputy Superintendent) in Mysore and does not apply to him only in his capacity of District Magistrate under the Criminal Procedure Code. The powers of control and direction conferred on such officer in his capacity as Chief Officer charged with the Executive Administration of the District cannot be restricted to, and should, for administrative reasons, be more extensive than the powers of the District Magistrate under the Criminal Procedure Code. Thus, rather than the law having been strained in Bengal, Bombay and other places as was contended, the difference in these respects between these Provinces and the Madras should, as explained already, be attributed to the Madras Police Act having been passed before the first Police Commission of 1860 submitted their recommendations.

Paras 12, 13, 17, 19 and 24.

10. Both Mr. Bowring, the Chief Commissioner, and the Government of India regarded the Madras system as unsuited to the conditions of Mysore, *vide* pages 9, 11, 13, 14 and 17 of the Printed Memorandum on the System of Police Administration in Mysore, Appendix V. The Mysore Police Rules of 1872 were drafted by an eminent Bengal Civilian, who then officiated as Judicial Commissioner, and passed by the Government of India a few years after Act V of 1861 was passed and after some experience had been gained of the working of that Act in the Bangalore District. In those Rules "the Deputy Superintendent or Magistrate of the District" was recognized as the Head Executive Officer of Police in the District, and he was held strictly responsible for the efficient administration of all police duties in the District. It is unlikely that the Rules would have been passed if they involved any material violation of the principles recognized by the Government of India. It should be also observed that as the Deputy Superintendents of those days used to try important criminal cases and had necessarily to take greater cognizance of the investigation of criminal cases than the Deputy Commissioners are likely to do at present, there is the less objection to the present arrangement on this score.

11. Another objection taken by Mr. Carr is that it is not expedient that the Deputy Commissioner should be allowed to continue as head of the District Police. He refers to practical inconveniences in various matters, but they are discussed in detail in the opinions which have been collected from various officers and other public bodies, and need not be repeated here. I would, however, invite attention only to the following important considerations.

From the remarks in the preceding paras, it is clear that the District Officer must exercise an intimate control over the Police Administration of his District. The question then is whether he would be able to exercise this control best, so far as conditions in Mysore go, as an Officer outside the Police Department or as a Police Officer himself. Having regard to the idiosyncracies of Indian officials, it can be asserted without contradiction that while an Indian District Officer will not interfere in police matters unless such interference is required of him as a matter of his ordinary duty, his Indian compeer at the head of the District Police will not be disposed to submit to such control from an apparent outsider or receive his guidance in good part as advice at least from an Officer of standing. It would be chimerical to expect that the intimate relations, deference, forbearance and mutual co-operation which are expected to exist between the European District Magistrate and District Superintendent in British Territory

though they are by law departmentally independent of each other will be generally maintained in the relations between the Deputy Commissioner and the District Superintendent of Police in Mysore under similar conditions. The pithy remark of Mr. Carr that the District Superintendent is placed in a false position between the Inspector General and the Deputy Commissioner goes only to confirm this view. If Police Superintendents placed in direct subordination to the Deputy Commissioners are so wanting in their sense of duty as to chafe under such subordination, and complain of it indirectly to the Inspector General instead of representing their grievances, if any, in a straightforward manner, to the Deputy Commissioner, it is not likely that when they are not departmentally subordinate they will adopt and carry out cordially the instructions which the Deputy Commissioners may issue in the exercise of their powers of control and supervision; and it is not fair to expect in the nature of things, that the Deputy Commissioners will, when thwarted, be so very zealous as to appeal to the Inspector General with doubtful prospect of success.

Another consideration to which the Inspector General has apparently not attached sufficient importance is this: granting that the joint working of the Deputy Commissioner and of the District Superintendent has not been as successful as it ought to be, is the fault likely to be that of the Deputy Commissioner or of the Superintendent? It cannot be gainsaid that in point of ability, experience, regard for the interests of the public, and for the efficient Police Administration of the district, the Deputy Commissioners are far ahead of the District Superintendents as a class. It must follow, therefore, that so far as the unsatisfactory working is the result of individual faults or peculiarities, the cause of the failure must be laid at the door of the Superintendents, and it would be unfair to discredit the system so far as its failure is due to defects in individuals which should be our endeavour to correct.

12. The duties of the District Superintendent have, from time to time, been defined by Government, the last time, on the lines indicated by Mr. Ricketts, and there is every ground to believe that the Deputy Commissioners have allowed their Superintendents all reasonable freedom of action and facility for the transaction of their duties. The argument is, nevertheless, urged that by the merging of the individuality of the District Superintendent in that of the Deputy Commissioner, as the present rules regarding subordination and correspondence might be interpreted to imply, there may be a want of stimulus for showing good work and an absence of fear of being found fault with for failure. This has been remedied by the modifications adopted in Committee in Section 15, (1) of the Draft Regulation providing for direct correspondence with the Inspector General and independent action in ordinary departmental and routine matters.

With the modifications now introduced in the Regulation in defining the powers of the Inspector General of Police, the Deputy Commissioners, and the District Superintendent, I am strongly of opinion, that excepting the express mention in our Regulation itself of the idea that the Deputy Commissioner and District Magistrate is the responsible head of the District Police—an idea which is by implication recognized in the Act of the Government of India and in their Police Manuals or Codes, our Regulation has been brought in line with the provisions obtaining in British India in all essential respects.

13. After the closing of the Committee's deliberations and upon a perusal of the proceedings of the Committee, Mr. Carr has suggested to me certain further amendments of the section defining the general powers of the Deputy Commissioner and the District Superintendent, as a '*via media*' between his original recommendations and the proposals which the Committee (Mr. Carr dissenting) were prepared to adopt. As far as I can make out, the new suggestions are in effect—

(1) to remove the existing provision for the Government defining by rules and orders the duties and responsibilities of the District Superintendent and for the

Deputy Commissioner exercising general control over the District Superintendent, and to substitute in lieu thereof a provision for the general control of the Inspector General over the District Superintendent, and for the Deputy Commissioner calling for reports, etc., and exercising his powers whenever he deems fit,

(2) to permit the District Superintendent to correspond direct with the Inspector General on matters relating to the observation and surveillance of gangs, the collection and communication of intelligence and information, the distribution of duties and beats and the education of the men,—which matters were, at the Committee specially excluded from the list of subjects on which there might be direct correspondence, Mr. Narain Rao and Mr. Puttanna Chetty considering them of such importance that letters relating to them should be brought to the notice of the Deputy Commissioners for information and instructions before the necessary action was taken.

I am of opinion that the first is a radical change tending to encourage the notion that the District Superintendent is under the direct control of the Inspector General and is not subordinate to the Deputy Commissioner, and is thus likely to lead to avoidable misunderstanding and friction. It is expressly provided that the Deputy Commissioner, as the head of the District Police is subject to the general control of the Inspector General, who is declared to be the head of the Police Department, and this implies that through the Deputy Commissioner, the Inspector General's control extends over the District Superintendents. As regards the other suggestion, it seems to me that the opinion of Messrs. Narain Rao and Puttanna Chetty is entitled to weight. No departmental or other interests are likely to suffer by the papers in question being placed before the Deputy Commissioners in the first instance.

14. As regards the Amildar, the combination of the Police and Magisterial functions in an officer of his status is certainly opposed to the recommendations of the Police Commission of 1860, and the Police Rules of 1872, but the authorities in Mysore even before the Rendition, have, after practical trial, considered it more expedient to provide against his liability to try cases got up under his superintendence as a Police Officer than to divest him of his responsibility for the administration of the Taluk Police. The Rules of 1872, following apparently the recommendations of the Police Commission, declared that the Amildar should have no executive or departmental authority over the Village or Regular Police; and he was permitted to exercise authority over the Village Police by delegation by the District Magistrate, and was required to watch, aid and control the Taluk Regular Police. The Inspector though placed under the Rules at the head of the Taluk Police was required to maintain unreserved and confidential communication with the Amildar on all subjects affecting the peace and well-being of the Taluk, and to submit to the Amildar a copy of the first information Report of every cognizable offence as well as a monthly report of crime, while the Amildar was required to test the accuracy of these returns and report all short-comings neglect or irregularities on the part of the Police. This arrangement lasted for about five years only when it was modified; and as "the independent position assigned to the Inspector of Taluk was not found to answer without a closer degree of supervision than could be given," the Amildar was again invested with his Police powers and duties, but forbidden to exercise Magisterial functions in police cases.

*Sir James Gordon's Report on the Administration of Mysore for 1880-81.

We have now adopted Mr. Carr's suggestion and recognized the Inspector as the Executive Head of the Police in the Taluk, but we have, differing from him, left to the Amildar, general powers of control over the Taluk Police so that he may make suggestions for the consideration of higher authorities on the diaries submitted by the Inspector and assist the Inspector with

his countenance and prestige in the investigation of important cases. The Inspector cannot now complain that his individuality is lost in the Amildar, or that his powers of action are crippled by the Amildar's interference. We have only provided in the interests of the public that there should be no room for the Regular Police committing excesses in their anxiety or zeal to acquit themselves satisfactorily, so far as the Officer responsible for the welfare of the Taluk can prevent it; and, further, that there should be no failure of justice by the inefficiency or corruption of the Regular Police which can be prevented by the advice and co-operation of the Amildar with his resources as the Revenue Officer of the Taluk. I need only add that Mr. Carr himself has recognized the necessity of keeping up the connection of the Amildar with the Police so far at least as the control of the Village Police is concerned. And as the Village Police must be the back-bone of any successful Police system in India, it goes without saying that the connection between the Taluk Revenue Officer and the Taluk Regular Police can never be severed without serious consequences. It is perhaps not unlikely that when the principle for separation of Magisterial from Police functions is completely carried out, it will be found expedient to combine, at least in the lower grades, Revenue and Police powers in the same Officer.

15. Mr. Carr has also proposed certain further amendments of the definition in the draft Regulation of the powers of the Amildar and Inspector, the effect of which would be—

(1) to dispense with the provision defining the Amildar's status, power and responsibility as a Police Officer, to omit the words "subject to the general control and direction of the Amildar" in sub-para 2 of Section 15, defining the powers of the Inspector; and to insert, instead, a parenthetical clause, namely, "and without prejudice to the general control and direction of the Amildar over the Police force of his Taluk,"

(2) to authorize Inspectors to correspond direct with the District Superintendent in all matters of an ordinary or routine nature.

The first amendment does not appear to be desirable. If it is conceded that the Amildar should have the power of general control and direction over the Taluk Police, t is better that the relative position of the Amildar and Inspector and their respective responsibilities should be defined in clear and express terms than that the same should be left to be gathered by implication.

The second amendment is also inexpedient. Unless the Amildar has an opportunity of perusing the correspondence of the Inspector with the District Superintendent, he will not be able to make any suggestions or correct mis-statements or inaccurate reports. This precaution is even more necessary in this case than in that of the District Superintendent and the Deputy Commissioner. If this principle is recognized, the Amildar and Inspector may be trusted, by mutual understanding, to avoid delay and arrange for direct correspondence in unimportant matters.

BANGALORE,
13th March 1905.

A. RANGASWAMI IYENGAR,
President of the Committee.

Appendix VI

Collection of opinions received from Deputy Coroners and others on the subject of the Police powers of Deputy Commissioners and Assistants.

Appendix VI

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Adverting to Government Proceedings No.J.799-808 - Police 65-2 dated the 23rd September 1904, calling for the opinion of the Deputy Commissioners on the memorandum of the Inspector General of Police submitted to Government with his letter No.1371-179 dated the 20th September 1904, regarding the powers of the Deputy Commissioners and the Amildars in Police matters, I have the honor to state as follows:-

The Inspector General of Police considers that the present system according to which the Deputy Commissioners and the Amildars are the heads of Police in the District and the Taluk respectively, is pregnant with many evils and proposes that the same should immediately be remedied by divesting the Deputy Commissioners partially and the Amildars totally of the Police Powers which they have been exercising.

One of the evils which is said to be paralysing is the delay on the part of the Deputy Commissioners in answering requisitions from the Office of the Inspector General of Police and in support of this evil which is considered to exist even now, the memorandum A contains the remarks of Mr. Ricketts, the Inspector General of Police 13 years ago, according to whom the delays were due to irregular arrangement as regards the receipt of tappals in camp and their despatch, to indecision, want of mastery of the subject and incapacity to deal with most of them. The Inspector General of Police thinks that the present state is just the same as it was 13 years ago. In my humble opinion it is not so. Thirteen years ago some of those evils might have existed. But now it has almost been corrected. The Deputy Commissioners and Superintendents of Police arrange their programme of tour and see

that

that the unfortunate charge of delay does not occur. The Superintendent of Police attends to the routine matters himself and is not interfered with by the Deputy Commissioner. I know from my own experience as the Superintendent of Police in Hassan, Tumkur and Bangalore Districts, that I was not interfered with and again as Deputy Commissioner, I have had no cause to interfere. As regards indecision &c, on the part of the Deputy Commissioners, I venture to say that most of the Deputy Commissioners now, having once been Superintendents of Police themselves, could not be said to be incapable of dealing with Police matters. It is true that at the time Mr.Ricketts was the Inspector General of Police, the subject of Police was in its stage of infancy, but since that time Mr.Ricketts and his successors have made the Department sufficiently efficient so that it cannot be said that there is great want of mastery of the subjects dealt with in the Department. What from experience as Police Officers and from long observation and what from the importance of Police administration to which the officers are alive, I cannot make myself to believe that the Deputy Commissioners are either wanting in the mastery of the subjects or incapable to deal with them. If the work of Deputy Commissioners has, since the time of Mr.Ricketts overwhelmingly increased, it must at the same time be remembered that the hands of the Deputy Commissioners are also strengthened by the increase in the number of Assistant Commissioners to help them. Either from point of interference in matters of detail and of patronage or from point of departmental control vesting in the Police Superintendents, I do not think that the latter have anything to complain against the Deputy Commissioners. It sounds strange to hear that the Deputy Commissioners according to the present system are not liable to blame for failures. If on the other hand, there is any grave failure in the investigation of an important case.

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it is the Deputy Commissioner who takes the whole blame and so far as I am aware the Superintendents of Police are indeed given the credit of success. I do not think the Deputy Commissioners will be glad to be divested of personal responsibility in the prevention and investigation of crime. What ennobles the position of the Deputy Commissioner as the head of Police in the District, is the responsibility with which he is connected and not the power to interfere, nor is it the gift of patronage. The Deputy Commissioners do a great deal in the way of giving instructions in important cases, in watching with much interest the progress of cases in the course of their - trial and generally in guiding the Superintendent of Police in a course of success in the Police administration. What the Deputy Commissioners do in this way will not be communicated to the Inspector General of Police. I am afraid to think that most of the evils which are mentioned in the memorandum a s now existing are in some cases exaggerated, presumed in some and in others said to be a general evil being in fact an exception to the general rule. As for instance, I am not aware of any inappropriate or insubordinate language being used in any communication carried on by the Superintendent of Police in the name of the Deputy Commissioner when addressing the - Inspector General of Police. If there is an instance of the kind it is a very rare case of exception. The Deputy Commissioner has again no power to take notice of the conduct of the Superintendent of Police if he has gone wrong in official etiquette, it is the Inspector General of Police and I d o not see why he should request the Deputy Commissioner whose power is confined to Police Inspectors and Jamadars only, to take notice of the conduct of a Superintendent of Police. - There is no false position either as regards the Inspector General of Police or as regards the Superintendent of Police the former has unlimited power to guide and correct his subordinates from the Deputy Commissioner to the Jamadar and

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the latter are in no sort of a regrettable plight in their being the subordinates of the Deputy Commissioners and Inspector General of Police. They have no cause to disrespect the orders of the one or the other. In obeying the Deputy Commissioners they obey the Inspector General of Police. I do not see the false position of the Superintendents of Police being between the "Devil and the deep sea". Their sphere of obedience is legitimate in that they approach the Inspector General of Police through the Deputy Commissioners. For that matter a Police Inspector has the Superintendent of Police, the Deputy Commissioner, the Inspector General of Police and lastly the Government to obey, and yet he has not the risk of incurring the displeasure of one in obeying the orders of another.

The memorandum lays stress on the point that the system in Mysore should follow that in Madras. There is much difference between the two in that, that in Madras the territorial jurisdiction of a Collector is very vast, being equal to that of two Districts in Mysore. The status, again, of the Superintendent of Police there, is superior to that in Mysore. Here, the Deputy Commissioner's duties admit of Police powers being exercised without prejudice to their other functions however multifarious they may be.

In fine I am inclined to think that the extent of the Police control which the Deputy Commissioners are now exercising in the District, is not beset with any difficulties, but on the other hand, it is wholesome for the administration of the District, inasmuch as he is fully aware of the local circumstances in all the bearings of any case arising within ~~the~~ his jurisdiction, while the Inspector General of Police being at a distance from his Superintendents and Assistant Superintendents has not the same facility of information. The Deputy Commissioner of a District is an officer who cannot be freed from any responsibility connected with any branch of administration and

more

more so in the case of Police administration in which the security of life and property are involved. As such it is not only desirable but necessary that the Deputy Commissioner - should have the control of the Department in its entirety.

The memorandum next deals with the powers of Amildars. They are between the Police Inspectors and the Superintendents just as the Deputy Commissioners are between the Superintendents and the Inspector General of Police. Still, the two - differ very widely in other respects. In the presence of the Superintendent or Assistant Superintendant of Police to guide the Inspectors and Jamadars in the District, the Amildar may be divested of his powers without thereby weakening the efficiency. I do not mean to say that at present the Amildars are of no help to the Inspectors and Jamadars. They sometimes give very material help in the investigation of grave offences. It is unmerited to say that the Amildars discourage original and individual action on the part of the Inspectors and Jamadars. The valuable assistantce which the Amildars sometimes render goes unrecorded. Many a grave crime would be undetected but for the sound advice of the Amildar. The powers of an Amildar as head of the Police are detrimental to the ends of justice, in minor offences in which he tries the case as a Magistrate. As head of the Police he keeps himself informed of the details before charge-sheeted. Thus his mind will, in a way be prejudiced. It would therefore be better for the - ends of justice that the Amildar will have nothing to do with Police. But such a change cannot be brought about unless the status of an Inspector is raised to that of at least a Deputy Amildar. It cannot be expected that a low paid official on Rs.40 and armed with powers capable of being used to injure others, would under all circumstances, be above board. Nor could the present scale of pay of the Inspectors draw men of intelligence and ability to take service in the Police. As at present they have the eah chance of being taken up a s

Deputy

Deputy Amildars and Amildars. But when their functions are severed from those of Amildars they have to look to their own Department for advancement.

The change is a radical one and cannot be carried out all of a sudden. It may be done with one stroke of the pen but I doubt if it could be done without additional expenditure. Under this circumstance, I would propose the introduction of the change gradually. It may first be introduced to a District where it will be carefully watched how the change works. Before introducing the same to the other Districts, the question of better men and that of increased expenditure, may have to be considered.

The question is one of vital importance in the administration of the country and as such the radical change which the Inspector General of Police has proposed, cannot, I venture to say, be pressed and carried out all at once. I think the same question of separating the Police powers from the Deputy Commissioners and Amildars was discussed before this and that it was the opinion of the experienced men then sitting in the Conference, that such a thing was not called for.

Some of the Assistant Commissioners under me having once been Superintendents of Police, I thought it well for me to call for their opinion. I beg to forward herewith in original the communications expressing the opinions of Messrs: Chengiah Chetty, Komarsami Naick, Balasundram Iyar, and B. Vencoba Rao, from which it will appaar that there is consensus of opinion that the Deputy Commissioners are not to be divested of their Police powers.

Opinion of Mr.K.S.Dorasawmi Iyar, Deputy Commissioner, Tumkur District, on the subject of the Police functions of Deputy Commissioners and Amildars.

I shall confine myself to some of the more important issues raised by the Inspector general of Police. It is said that "the superficial, perfunctory and ill-regulated interference of Amildars" retards rather than assists Police investigations" and it is said also that the per centage of cases investigated by the Amildars is always small. No doubt it is impossible for him amidst the many calls upon his time to give any more attention than now to Police investigations, but it must be remembered that he is required to enter upon the investigation of some specified classes of cases only and that those cases usually fall within the category of offences that are to be directly investigated by the Superintendent of Police. The Superintendent naturally supersedes the Amildar and there lies the reason for the small per centage of direct investigations by Amildars. With regard to the other statement; Given an Amildar who is persistently guilty of retarding Police investigations by "Superficial, perfunctory and ill-regulated interference" I would ask if the Deputy Commissioner would not be to blame in the matter and if he should not be asked to resign his post if he finds himself inefficient to check the vagaries of his subordinate. But fortunately of such Amildars the number is very small - so small as to be nothing for all practical purposes. The fault, if any, lies with the individual and not with the system - a condition of things calling for a change of the personnel rather than of the system. Very few Superintendents and Inspectors would be able to deny the material help and sound advice that they have derived times out of number from the willing co-operation and the extended knowledge, influence and resource of our Amildars.

2. It is argued that as the headship of the Taluk

Police

Taluk Police is vested in Amildars, the Inspector is divested of "that feeling of direct responsibility without which no officer can do really useful work" I would pursue the argument a little further and ask if the Jamadar is expected to do some useful work and if he is, how he is to retain that feeling of direct responsibility which is considered so essential if the headship is not to rest with him but with the Inspector.

3. It is thought that the present system gives the Amildar and Inspector a chance to join hands and work to a bad end. It seems to me that the personality of an Amildar intervening between the Inspector and the Superintendent is an essential factor to ensure fairplay and justice to the public. However, why give occasion for such a contingency as is feared by the Inspector General of Police by leaving such erring individuals together in a Taluk? Why not invest a Deputy Commissioner with authority to transfer his Inspectors from Taluk to Taluk and maintain a proper balance of head, heart and temperament in every Taluk? But it seems that their transfers should rest with the Provincial Head of the Department, because it seems that the transfers might have to be from District to District. There would always be someting very peculiar with an Inspector if some one of the 8 or 10 Taluks of a District should not suit him. There is no necessity in my opinion to keep such a wide range of some 60 Taluks for so small an official as an Inspector of Police.

4. Referring to the inconvenience that is said to be caused to parties and witnesses by having to go to another Magistrate by reason of the local Magistrate having exercised Police functions, I have only to point out that such instances are rare, because of the more serious cases, that call for the Amildar's guidance or personal investigation being frequently First Class or Committal cases and the less serious

offences

offences being investigated wholly by an Inspector, Jamadar or Station-house Officer.

5. An Amildar's first concern is the well-being of the ryot. He is not a mere Collector of Revenues or a report writing Machine. Not infrequently is he called upon to play the role of an unofficial adviser to the people in some of their immediate and intimate concerns. In order to be sought for help, consolation or advice, he should be able to impress the people with confidence in his broad-minded sympathy and uprightness. As much of his success as a Taluk Administrator would depend upon how he impresses the public mind, he may not permit himself any vagaries that might detract from his good name -at least not to a fraction of the extent to which a Police Inspector can and may. An Inspector's concerns i n the Taluk are infinitely more limited in their scope. He has his cases and his investigations. He has his per centage of convictions to obtain in order to mark himself for preferment in the eyes of his superior officers. Honest though he may start, the narrowed groove of thought and action - as compared to an Amildar's - to which he is committed by the nature of his work must in course of time tell upon his very habits of thought and lead him unconsciously to incorrect thinking and acting. I am comparing of course the best specimen of the two classes. No doubt there would be a Superintendent of Police to administer the necessary correction to an erring Inspector, but it should be hopeless for the Superintendent in his own proper person to supply the wholesome check and influence for good that are to be found in the mere name of A M I L D A R.

6. An Amildar's knowledge and estimate of the various classes and communities of his Taluk and their varying temperaments are more extended than an Inspector'sand further, in his important functions of revenue officer and Magistrate he has a mind trained to higher thinking and is better able than a mere Police Officer to detect the weak points in a

policeman's

Policeman's theories of crime and the artificial links in the chain of evidence relied upon to support a given theory. The happy results of the Inspector's subordination to the Amildar are evidenced every day by the considerable curtailment in the number of false cases going to the Magistracy through the Police and in the speedier termination to the innocent accused's worries and anxieties. When there occurs a miscarriage of justice especially one resulting in the conviction of an innocent person the people lay the blame more readily upon the Amildar than upon the Inspector or Superintendent, because of their belief that the good and the innocent are his special care and protection. With many honourable traditions attaching to his office and with his acknowledged position in the Taluk, the Police interests of the State are best confided to his efficient yet sympathetic hands if those interests are to continue to be identical with the welfare and happy content of the good and loyal citizen.

7. The drawbacks in our present system are few and fanciful but those that will attend the change advocated by the Inspector General of Police will be simply appalling. In no uncertain terms did some of the Representatives express themselves about it at the last Assembly. The hour that marks the transfer of the headship of the Taluk Police from the Amildar to the Inspector will toll for Mysore the knell of the happy immunity from Police oppression which her sons have long reckoned as a precious gift and a blessed inheritance.

8. Another important element which would emphasise the necessity for continuing the Amildar's Police functions lies in our system of Village Police, the arguments in favour of which have been threshed out more than once and are too well recognized to need any elaboration at my hands. The intrinsic worth of that system at its every phase is apparent to all.

9. The foregoing arguments apply also in favour of the Deputy Commissioner continuing as the Chief Executive Head

of

of the District Police. Of the arguments advanced against it by the Inspector General I shall discuss only one or two. It may be impossible for a Deputy Commissioner to attend personally to the details of the daily routine of the Police, Forest Excise and other Departments; but Government have recognized it and given the Deputy Commissioner a responsible Assistant for each of the Departments and made it quite possible for him to supervise effiriently the work of these departments. There seem to be no complaints from other Departments about a Deputy Commissioner's overwhelming work and paralyzing delays.

10. It would appear that the present system has brought about some "most surprising results" in the matter of requisitions "for a Constable's buttons". Why not maintain an adequate supply of usual requirements at each District Head Quarters? Surprising results would seem to have occurred also in the matter of correspondence. The correspondence that is alluded to as "clearly demonstrating the disastrous and paralyzing effects of the present system when applied in its literal and naked deformity "ought to be placed before the Committee for their Judgment. There was no "inappropriate or insubordinate language" used by the Superintendent of Police to the Inspector General. The Police Superintendent did nothing that would convict him of an "inexperience of the usual official etiquette".

11. I cannot grant that the Excise and Forest Departments are not more technical than the Police. Where is the peculiar technicality of the Police Department to a Magistrate?

12. It is said that "the present system places District "Superintendents and Assistant Superintendents of Police in "an unnecessarily false position. They are between the Devil "and the deep sea; if they look to the Inspector General as "the Head of the Department they run the risk of incurring the displeasure of the Deputy Commissioner of the District; and

if

"if they ignore the authority of the Head of the Department "they are in still worse plight". If such a case has occurred it is not the fault of the system. The system has worked all right. If any innovation was attempted and thereby a Superintendent was dragged into a false position it is the innovation that should take the blame. To set at nought a well-established system and one recognized to have worked admirably, and in addition to attributes to it many fancied failings must be reckoned as positively unjust to the system itself and to those who originated it as well as to those who continued it.

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Letter No.J.285 dated 6th December 1904, from the Deputy Commissioner, Tanjore District. -

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In pursuance of Government Order No.J.1554-2- Police 65-5 of the 15th Ultimo forwarding in continuation of Government Proceedings No.J.799-803 - Police 65 of the 23rd September last, a copy of the Supplementary Memorandum on the subject of the Police powers of Deputy Commissioners and Assistants forwarded to Government by the Inspector General of Police with his letter No.1981-3G1 of the 9th October last, I have the honor to address you again in continuation of my Memorandum of the 19th Ultimo forwarded to your Secretary with a D.O.

Turning over the monthly volumes of Government Proceedings, I have discovered Order No.5110-30 - J.603-98 of date the 11th December 1898, - thirteen months subsequent to the order from which the Inspector General has quoted in his present and former Memoranda. There have arisen no causes to justify a cancellation of that order or even so much as a reconsideration of the principles discussed and fixed in it. By a strange coincidence my memo of the 19th Ultimo argued the question on much the same lines and I take that as showing that some others too might similarly view it. "The opinions expressed by responsible officers from time to time" were all there and considered by a responsible Government when issuing their order of the 11th December 1902. "The questions raised are of the gravest importance" but they had been raised before and failed to convince Government of the benefits of the change. One has only to step across the border to see what an important personage a small Police constable is in the Madras villages. It is notorious that that importance is not gained by any very prominent feature of honesty or good conscience in the constable. I was some 8 years in a District with an extensive Madras Frontier and can claim to speak with some authority on the subject.

No doubt the cry every where is for a separation of the kind suggested by the Inspector General but that cry and the reason for it have to be carefully considered. It is urged that "it is incumbent on a Government which prides itself on being in the forefront of enlightenment and progress to carry out reforms which have been in operation for 40 years in British India and which at no additional cost to the State will bring the Mysore Police Administration into line with that of the British Provinces". But we are there already - in the forefront. With a Police Administration upon a totally different basis obtaining in Madras side by side with ours why was it that we did not follow Madras if a real reform it was so to do. It was not that our Government did not consider the Madras system in its various aspects or were apathetic towards introducing a wholesome reform in a department so intimately concerned in helping the Magistracy to uphold the law of the land and assure the peace and happiness of the country. If we adhered to our system it was because we were not convinced of the benefits of the other. It must ever remain an amazing anomaly that a body of men who owe their very existence to the Code of Criminal procedure and are in every sense of the term the servants of the Magistracy to the total exclusion of other masters in the discharge of their duties under that Code should have to look to those other masters for approbation or of censure in the discharge of those duties. This dual control exists to a less extent in Mysore than in the British Provinces by reason of the Police functions of our Deputy Commissioners and Amildars. The cause of "enlightenment and progress" would point to a further lessening of the dual control by a transfer to the Magistracy of the powers now exercised by persons outside that body. The preventive and punitive functions of the Magistrate would then, be better exercised. A system which has worked well through successive years and stood the test of time showing year in and year out that it secured best the happiness of our people may be safely

relied upon to work equally ...
result in succeeding years.

Referring to the other closely allied qu... am at one with all those who hold that justice pure and true should alone emanate from the Seat of Judgment and that the laws of thought and interference which have been enacted to secure that end should be held sacred and inviolable. A Judge's mind should be kept free from all bias, from all information that might be coming in other ways than are enjoined by the laws of Judicial Evidence. These principles are in no way interfered with by our system of Police administration for, a District Magistrate or a Taluk Magistrate who has had to deal with a case on the Police side need never try it himself; he does not: We have a sufficiently large number of other Magistrates in a District. Where then lurks the darkness and whence the need for the light to dissipate it.

A paper taking a round about course by having ... through a Deputy Commissioner may be displeasing to ... Heads of Departments. Their standpoint is so widely different from ours, and that is just as it should be. Their ... their Office and its routine, their zeal for punctual ... departmental income and expenditure and other matters ... liar but necessary concern to the Headship of ... ment. To a District Officer with the entire ... Office there are the drought and the flood ... murders and riots and dacoities, the Plague ... the revenues for the Government exchequer ... inclination to lighten his own, the helplessness ... and the obstructiveness of the well-to-do ... the dense ignorance of both, the ever ... statements and returns of varying kinds ... from all manner of statistics collected ... District, the never ending tappal from ... Amildars and from Revenue, Excise, Police ... sistants and other officers in the ...

dozen Heads of Departments in Bangalore and above all the incessant anxiety in every direction from many conflicting causes and ramifying details - all tending to make our cares and responsibilities more akin to those of the Head of the Administration and to be best appreciated and sympathized with by him.

To Deputy Commissioners it would be a welcome relief to be divested of the charge of Police, Forests, Treasury, &c., departments but the interests of the departments in some cases and in others the interests of the people might suffer. No departmental head can hope to secure to the officers of his department anything like the prestige which their subordination to the Head of the District brings them; and to the Heads of Departments themselves there is a substantial accession of importance in the eyes of the public by being connected with Deputy Commissioners. As Assistant Commissioner and Sub-Divisional Officer I had noticed this upon occasions without number.

I have had to explain my reasons against the Inspector General's proposals at some considerable length lest I might be thought to be personally anxious to continue at the head of the District Police. It is just as well perhaps that the Committee should have before them all views for and against the proposals whatever their intrinsic worth.

Copy of opinion received from H.H.Sparkes Esquire, Deputy Commissioner, Mysore District, with letter dated 20th January 1905.

.....

Adverting to Government Proceedings No.799-808 Police 65-2 of the 23rd September 1904 (received in this office on the 6th October 1904) requesting to submit direct to you my opinion regarding the powers of the Deputy Commissioners and the Amildars in the Police matters referred to in the Memoranda of the Inspector General of Police in Mysore, I have the honor to state that I have gone through the Inspector General's memoranda on the subject, and I am of opinion that the present system should remain unaltered. There is no doubt that with the present acknowledged power that the Amildar holds over his taluk he can be of very great assistance or hindrance to the police, and if he is divested of his present powers, I am afraid that the latter will become the case. The separation of the Village Police would also be a matter of great consideration as, at present, they perform the dual duties of Revenue and Police, and if these were divided, it would practically mean the entertainment of extra servants at an enormous and unnecessary expense to Government.

As regards the Deputy Commissioners, it appears to me that the present complaint of the Inspector General of Police in his memo is that the tappal is delayed and that the Deputy Commissioners hinder the Police Superintendents by exercising their powers in appointing subordinates, such being the case, I can only regret that the Inspector General has such a poor opinion of Deputy Commissioners in general. Personally I have always found the present system to work smoothly and satisfactorily and do not think that any alteration is required.

.....

Copy of letter No.217 dated 8th October 1904, received from Mr.P.R.W.Wetherall, Offg: Deputy Commissioner Hassan District, regarding the Police functions of Deputy Commissioners and Amildars.

.....

In compliance with Government printed proceedings No. J.799-808/Police 65-2 dated 23rd September 1904 received on the 6th Instant requesting Deputy Commissioners of Districts to send their opinions on the memoranda of Mr.F.E.C Carr, Inspector General of Police, direct to the President of the Committee appointed for the consideration and revision of the proposed Police Regulation, I have the honour to state that I concur in the proposal of Mr.Carr that Deputy Commissioners might be relieved of the correspondence between the District Police office and the Inspector General's office in purely routine matters, which might be specified by the Committee now considering the subject. I would suggest that District Police officers be authorized to correspond direct with the Inspector General of Police in such matters only and required to address all other communications to the Inspector General of Police through the Deputy Commissioner. The latter would be in accordance with the practice now obtaining concerning correspondence in the Forest Department which is addressed by the District Forest Officer to the Conservator of Forests through the Deputy Commissioner.

2. As regards the present desirability of relieving Amildars of their powers as Heads of Police of their respective Taluks, I am doubtful whether the majority of the present Police Inspectors, Jamadars and Duffadars can afford to do without their aid and support especially, as the Amildar is the head of the Taluk Revenue Administration having much influence over Patels and village servants

whom

whom he can punish by fine where necessary. The Patel and village servants are the Village Police who can be of much use to the Regular Police especially in the way of furnishing information helpful in prevention and detection of crime. It would be scarcely desirable to authorize District Police Officers to fine or otherwise punish the Patel and village servants, as they would then be subject to punishment by two masters of different Departments: namely, by the Superintendent or Assistant Superintendent of Police and the Amildar.

3. The only apparent means of meeting this objection would be to appoint a separate Police Patel and Talawar in each village for the Village Police under the orders of and subject to punishment by the District Police Officer leaving the present Village Patel and Kulvady to attend to purely Revenue duties under the orders of and subject to punishment by the Amildar. But this may not be possible in smaller villages for which the Potige allowance would be insufficient to remunerate two Patels and would create difficulties as to hereditary rights of individuals claiming under the Potige Rules. Separate salaried Police Patels and Talawars would perhaps be theonly means of surmounting this difficulty which would of course be expensive.

4. The question is therefore, beset with difficulties and before finally deciding to divest Amildars of their Police powers these points would have to be decided. Moreover, there are several Sub-Taluks in the State in which the Deputy Amildar is the Head of Police and the highest grade of Police Officer is only that of a Jamadar which is too low a grade for an independent charge. It would be necessary to raise the post to ~~that~~ that of an Inspector which would be another question ~~of~~ of funds.

5. The instance of Bowringpet Taluk referred to in the letter dated 8th July 1894- 1904 of Mr.P.R.Thomas, District Superintendent of Police, Kolar Gold Fields, which forms an enclosure to the Inspector General's letter No.1571-179 - dated 20th September 1904 addressed to Government, concerns a Taluk under very different conditions and superintendence as compared with most other Taluks of the State; moreover the period of the experiment appears to have been only twelve months. After continuance of the experiment in this Taluk and after giving it a trial in some other Taluks where the ordinary conditions of pay and strength of the Police Force exist and under ordinary superintendence, we may be in a better position to judge of results.

...Secretariat, Orig.Deputy Commissioner of Hassan District.

MEMO.

The question which the Inspector General of Police has submitted for the consideration of Government is whether the present system under which the Deputy Commissioner is held to be the head of the Police of the District and the Amildar the head of the Police of the Taluk, should continue or whether the District Superintendent of Police may be recognised as more or less in independent charge of the Police of his District (under the general control of the Deputy Commissioner) with the Inspector as the Head of the Taluk Police.

The proposals made by the Inspector General are in the main two :—

I. That District Superintendents of Police should be recognised as the responsible officers in Police charge of Districts and as the immediate subordinates of the Inspector General, and they should have *direct control* over, and correspond direct with the Inspector General, with regard to all matters of a departmental and routine nature specified in para 7 II of the Inspector General's letter to Government ; while the Deputy Commissioners should be responsible for the general control of the Police of the Districts subject to the control of the Inspector General as the ultimate controlling authority under Government in all branches of Police work, they being allowed to exercise the powers conferred in Government Proceedings of the 10th March 1904 with regard to recruitments, promotions and transfers, in addition to exercising control over investigation, detection and reporting of crime, with authority to issue specific instructions to District Superintendents regarding the conduct of all criminal cases and for the prevention of serious riots, disturbances &c.

Reasons urged for this proposal are: —

(*a*) Deputy Commissioners are overwhelmed with work of every descrip-

(a). It is unnecessary that Dy. Commrs: should give undivided attention to the supervision of Police Departmental and routine work as the Superintendents and Asstt:Supdts:

are generally competent to attend to it, and only need seek the Deputy Commissioner's instructions when necessary.

tion and cannot give undivided attention to the work of any one Deptt. under them; it is impossible for a Deputy Commissioner to supervise the departmental and routine work of the Police Department.

(b).- I don't think it is desirable for a Dy.Commr: to interfere in ordinary matters of Police routine except when anything decidedly wrong comes to his notice, when he should, of course, take needful action.

(*b*) The majority of Deputy Commissioners generally leave everything in the hands of their Superintendents, never interfering in any matters of Police routine, and thus the present system is only workable when not worked at all.

NOTE:—The Inspector General has, however, in another place quoted with approval and as being still applicable the remarks of Mr. Ricketts that Deputy Commissioners interfere more especially in matters of detail and of patronage but do not aid the Police by watching, by personal action in cases, by guidance before trial or during investigation, and that they have plenty of power for interference without liability to blame for failures.

(c). (1).- Dy.Commrs: can arrange for prompt despatch of Police tappal to the Supdts: or Asstt: Supdts:

(2).- 4 out of 8 of the present Dy.Commrs: have themselves been Supdts: of Police and the remaining 4 Deputy Commissioners are not wanting in knowledge of Police work. It is therefore not apparent how "want of mastery of subject" is applicable.

(*c*) Paralysing and chronic delays on the part of Deputy Commissioners in answering the Inspector General's requisitions, due to—(1) Police Tappal being received by Deputy Commissioner to whom the letters are required to be addressed, (2) want of mastery of subject.

(*d*) Before the Rendition in 1881 there was virtually no separate Police Department, while since, a regular Police Department has come to existence with an Inspector General of Police, District Superintendents, Inspectors, Chief Constables, Constables &c. all well organized, but yet the old system is allowed to continue in a mutilated and unworkable form.

9l-

(d) and (e).- But is still questionable whether the present Police Inspectors Jamadars and Daffadars can do without the local aid and influence of Amildars (vide paras 2 and 3 of my letter No.217 dated 8th October 1904).

(*e*) The existing Police Department has had 15 to 20 years dry nursing by

the Revenue Department and there are now in it specially trained and selected officers paid by Government to do the Police work and undertaking the duties and responsibilities connected therewith.

(f). This is one of the few real disadvantages of the present system.

(*f*) Under present arrangements responsibility can be shifted from the shoulders of one officer to those of another to the detriment of efficiency.

(g). This can be obviated by requiring Supdts: and Asstt:Supdts: to address their communications to the Inspector General of Police through the Deputy Commissioner as done in the Forest Department.

(*g*) District Superintendents are now in an unnecessarily false position, between the Inspector General and the Deputy Commissioner; and District Superintendents in addressing the Inspector General, in the name of the Deputy Commissioner, make use of inappropriate and insubordinate language of which the Inspector General is not now in a position to take direct notice.

(h). This s is one of the minor considerations.

(*h*) A feeling of *esprit de corps*, of *responsibility* and *independence* is now wanting among the officers and men of the Department.

(i). A ~~con~~census of opinion among ryots (especially those living in Taluks bordering on British Territory) I feel sure would end in preference to the Mysore Amildar rather than a Police Inspector of the Madras Police type, being head of the Taluk Police.

(*i*) The Press and the Public have been clamouring for the separation of the magisterial and executive functions.

(j). Quite so.

(*j*) In Madras and in all Provinces where Commissioners of Divisions do not exist, the District Magistrate's authority as regards the Police is strictly confined to the functions and powers vested in him by the Criminal Procedure Code, while the internal economy and departmental details are supervised by the District Superintendent under the orders of his Departmental superiors, the Deputy Inspector General or Inspector General.

(k). I am inclined to doubt this. Much would depend on what modifications of the Madras system are proposed.

(*k*) The Madras System, with modifications is more suited to Mysore than the Bombay one under which Division Commissioners exercise

many of the powers of the Inspector General in Madras, and the Deputy Commissioners those of the Deputy Inspector General.

II. That the Amildars should be divested of all purely Police powers *i. e.* they should be dissociated from all direct interference with the Police in their *executive detective* and *investigating* duties, but should as Magistrates afford advice and aid to the Police and exercise their influence in matters of emergency.

REASONS urged for this proposal are:—

(*a*) The present is a survival of the old candachar system.

(*b*) The Amildar's routine and Revenue work has increased considerably and he cannot fairly be expected to do Police duties.

(*c*) In 1902-03 Amildars investigated only 1.2 percent of the crime and the instances were very few in which their investigation in any way assisted the Police enquiry.

(*d*) Amildar's interference is perfunctory and ill regulated, retards rather than assists Police investigation, discourages rather than encourages original and individual action on the part of Inspectors and Jamadars.

(*e*) The Amildar and the Inspector have now a chance of shirking responsibility and throwing the blame from one to the other, or of both working together to a bad end.

(*f*) The Amildar if divested of Police powers can exercise an independent and scrutinizing watch on the conduct of the Police in the investigation and detection of cases, and there need not be magisterial antagonism.

(a). - Considerably modified and improved.

(b).- His Police duties might be restricted but it would appear undesirable to make him altogether irresponsible.

(c).- The small percentage is due to Amildars being required to personally investigate heinous crimes, leaving the rest to be investigated by the Inspector, and other Police Officers of the Taluk.

(d) and (e).- I would suggest that the Police Inspector aided by the Supdt: and Asstt: Supdt: should investigate heinous crimes also, the Amildar being merely required to use his influence over the Patel and other village officers of the Revenue Department to aid the Regular Police in gathering information &c. This would increase the Inspector's responsibility and yet would not make the Amildar altogether irresponsible for the detection of serious crime in the Taluk.

(f). - I am inclined to think that if the Amildar be relieved of all Police responsibility, he would not take any interest in the Police investigation and detection of cases, and Police officers would feel the want of his influence and support.

(g). As the Amildar at present usually only investigates heinous crime and more important cases of his Taluk, it is only such cases as would have to be taken up by Asstt: Commrs: for Magisterial enquiry and it is desirable that such cases even under ordinary circumstances should be taken up by such Divisional Magistrates.

(g) Cases within the Amildars jurisdiction have now to be taken up by Divisional or other Magistrate on the ground that the Amildar conducted or supervised Police enquiry and this causes delay in Magisterial enquiry and necessitates complainants and witnesses being dragged from place to place.

(h).- But such can be reported to Government for due notice.

(h) The Inspector General cannot take direct notice of the negligence &c. of Amildars in Police matters.

(i)- I am inclined to doubt this.

(i) Inspectors are now as well educated and experienced as Amildars and do not need the guidance of Amildars.

(j).- The law allows ample scope for parties obtaining transfer of cases to other Courts where they anticipate that they will not get a just trial in any particular Court. Provisions regarding appeal and Revision are also open to them.

(j) The cry for the separation of judicial and executive functions has greater force in the case of Amildars and if these are deprived of Police powers there will be more even handed justice in the subordinate courts of the State.

(k). District and Assistant Superintendents of Police in British Provinces and many Inspectors of Police are European Police officers. Conditions in Mysore are not quite the same.

(k) In no Province or Presidency of India (except perhaps in special areas in the N. W. Provinces) are Tahsildars recognised as heads of the Tahsil Police.

V. B. Soobbiah & Sons, Bangalore—1904.

Reference is invited to the undersigned's letter No 217 dated 8th October 1904 addressed to the Secretary to the Committee.

(Sd) P R. C. Cockerall.
Offg: Dy: Commr.
Hassan Dt

Copy of letter dated 13th October 1904, received from the Deputy Commissioner, Shimoga District (Mr.M.S.Narayana Row) regarding the Police powers of Amildars and Deputy Commissioners.

.....

With reference to proceedings of Government No.65-2 dated 23rd Ultimo, I have the honor to state that I see no objection to the Assistant Superintendents and District Supts of Police corresponding direct with the Inspector General of Police in regard to such routine matters as dress, usual monthly returns &c, but even then no appreciable amount of advantage will be gained by such partial divestment of Deputy Commissioners of their Police functions. For the exercise of wholesome check on the subordinates of the Department, it is, I consider, in the present state of the country that the Deputy Commissioner and District Magistrates should continue to exercise powers of internal control and not merely outside control as is done in the neighbouring British Provinces. It is more the knowledge of the Deputy Commissioner possessing this power of control that results in the restraint of Police subordinates from doing mischief than from any active exercise of such powers. Where the Deputy Commissioner understands what is due to the Superintendent or Assistant Superintendent of Police under him, and when the latter is an officer that can be relied upon to exercise proper discretion in matters coming within his sphere, no interference is indulged in and I have not known many instances of good relationship and perfect understanding not existing, between these two classes of officers.

2. I find that the change in the present system involving the complete divestment of Amildars of their Police functions has been more strongly urged. But even there my experience is that the recognition of Amildars as heads of

Police

Dy: Comm: Shimoga District 28

MEMO.

The question which the Inspector General of Police has submitted for the consideration of Government is whether the present system under which the Deputy Commissioner is held to be the head of the Police of the District and the Amildar the head of the Police of the Taluk, should continue or whether the District Superintendent of Police may be recognised as more or less in independent charge of the Police of his District (under the general control of the Deputy Commissioner) with the Inspector as the Head of the Taluk Police.

The proposals made by the Inspector General are in the main two :—

I. That District Superintendents of Police should be recognised as the responsible officers in Police charge of Districts and as the immediate subordinates of the Inspector General, and they should have *direct control* over, and correspond direct with the Inspector General, with regard to all matters of a departmental and routine nature specified in para 7 II of the Inspector General's letter to Government ; while the Deputy Commissioners should be responsible for the general control of the Police of the Districts subject to the control of the Inspector General as the ultimate controlling authority under Government in all branches of Police work, they being allowed to exercise the powers conferred in Government Proceedings of the 10th March 1904 with regard to recruitments, promotions and transfers, in addition to exercising control over investigation, detection and reporting of crime, with authority to issue specific instructions to District Superintendents regarding the conduct of all criminal cases and for the prevention of serious riots, disturbances &c.

Yes. They are. But the work done by them for the Police is one of

REASONS urged for this proposal are: —

(*a*) Deputy Commissioners are overwhelmed with work of every descrip-

General control and guidance, and the chief benefit the department derives is from the countenance and sympathy extended by Deputy Commissioners to the Superintendents and Assistant Superintendents of Police.

tion and cannot give undivided attention to the work of any one Deptt. under them; it is impossible for a Deputy Commissioner to supervise the departmental and routine work of the Police Department.

(*b*) The majority of Deputy Commissioners generally leave everything in the hands of their Superintendents, never interfering in any matters of Police routine, and thus the present system is only workable when not worked at all.

What has to be considered in this connection is, what the general ideal is and how far that is borne in mind and acted up to. In this connection, I can only speak for myself and I say that my relations with the Asstt Superintendents and Superintendents were always cordial and there was never any unnecessary interference.

NOTE:—The Inspector General has, however, in another place quoted with approval and as being still applicable the remarks of Mr. Ricketts that Deputy Commissioners interfere more especially in matters of detail and of patronage but do not aid the Police by watching, by personal action in cases, by guidance before trial or during investigation, and that they have plenty of power for interference without liability to blame for failures.

The delays were not very noticeable but they could be avoided by some arrangement being made by which the usual routine papers could be received and disposed of by the Assistant Superintendents and Superintendents.

(*c*) Paralysing and chronic delays on the part of Deputy Commissioners in answering the Inspector General's requisitions, due to—(1) Police Tappal being received by Deputy Commissioner to whom the letters are required to be addressed, (2) want of mastery of subject.

(*d*) Before the Rendition in 1881 there was virtually no separate Police Department, while since, a regular Police Department has come to existence with an Inspector General of Police, District Superintendents, Inspectors, Chief Constables, Constables &c. all well organized, but yet the old system is allowed to continue in a mutilated and unworkable form.

(*e*) The existing Police Department has had 15 to 20 years dry nursing by

They are practically free to do their work.

the Revenue Department and there are now in it specially trained and selected officers paid by Government to do the Police work and undertaking the duties and responsibilities connected therewith.

Very seldom done.

(*f*) Under present arrangements responsibility can be shifted from the shoulders of one officer to those of another to the detriment of efficiency.

This is certainly an anomaly where it exists.

(*g*) District Superintendents are now in an unnecessarily false position, between the Inspector General and the Deputy Commissioner; and District Superintendents in addressing the Inspector General, in the name of the Deputy Commissioner, make use of inappropriate and insubordinate language of which the Inspector General is not now in a position to take direct notice.

I do not think so. The Supdt. and Asstt. Supdt. knows that he is looked upon to maintain the efficiency of the force under him.

(*h*) A feeling of *esprit de corps*, of *responsibility* and *independence* is now wanting among the officers and men of the Department.

(*i*) The Press and the Public have been clamouring for the separation of the magisterial and executive functions.

Mysore differs from Madras in several respects and it is not necessary that there should be a uniformity of procedure in the two Provinces in all matters.

i) In Madras and in all Provinces where Commissioners of Divisions do not exist, the District Magistrate's authority as regards the Police is strictly confined to the functions and powers vested in him by the Criminal Procedure Code, while the internal economy and departmental details are supervised by the District Superintendent under the orders of his Departmental superiors, the Deputy Inspector General or Inspector General.

(*k*) The Madras System, with modifications is more suited to Mysore than the Bombay one under which Division Commissioners exercise

many of the powers of the Inspector General in Madras, and the Deputy Commissioners those of the Deputy Inspector General.

II. That the Amildars should be divested of all purely Police powers *i. e.* they should be dissociated from all direct interference with the Police in their *executive detective* and *investigating* duties, but should as Magistrates afford advice and aid to the Police and exercise their influence in matters of emergency.

REASONS urged for this proposal are:—

(*a*) The present is a survival of the old candachar system.

They are not wanted to do the ordinary duties done by the Inspectors. Their support and guidance is only sought for in the most important cases and they are very few in number.

(*b*) The Amildar's routine and Revenue work has increased considerably and he cannot fairly be expected to do Police duties.

It is not necessary that they should directly take up any but the most important cases.

(*c*) In 1902-03 Amildars investigated only 1.2 percent of the crime and the instances were very few in which their investigation in any way assisted the Police enquiry.

There is no fear of this clashing when there is good feeling between the Amildars and Inspectors.

(*d*) Amildar's interference is perfunctory and ill regulated, retards rather than assists Police investigation, discourages rather than encourages original and individual action on the part of Inspectors and Jamadars.

This they do sometimes but it is only the unsatisfactory Amildars and Inspectors that do this; and they are soon found out.

(*e*) The Amildar and the Inspector have now a chance of shirking responsibility and throwing the blame from one to the other, or of both working together to a bad end.

Such outside check is considered not enough.

(*f*) The Amildar if divested of Police powers can exercise an independent and scrutinizing watch on the conduct of the Police in the investigation and detection of cases, and there need not be magisterial antagonism.

They do not take any direct part in cases falling within their sphere as Magistrates. In the few cases they are called upon to do so from unavoidable circumstances, the cases are taken to another Magistrates

(g) Cases within the Amildars jurisdiction have now to be taken up by Divisional or other Magistrate on the ground that the Amildar conducted or supervised Police enquiry and this causes delay in Magisterial enquiry and necessitates complainants and witnesses being dragged from place to place.

He can report them to Government just as Deputy Commissioners can do.

(h) The Inspector General cannot take direct notice of the negligence &c. of Amildars in Police matters.

(i) Inspectors are now as well educated and experienced as Amildars and do not need the guidance of Amildars.

With a good type of Amildar there is no fear of miscarriage of justice.

(j) The cry for the separation of judicial and executive functions has greater force in the case of Amildars and if these are deprived of Police powers there will be more even handed justice in the subordinate courts of the State.

(k) In no Province or Presidency of India (except perhaps in special areas in the N. W. Provinces) are Tahsildars recognised as heads of the Tahsil Police.

V. B. Soobbiah & Sons, Bangalore—1904.

Copy of letter No.801 dated 7th November 1904, from the Deputy Commissioner, Chitaldrug District.

.....

Adverting to Government Proceedings No.799-806/Police 55-3 dated 23rd September 1904, requiring me to submit direct to you my opinion on the memorandum of Mr.Carr, the Inspector General of Police, regarding the changes proposed by him in re the powers of the Deputy Commissioners and Amildars in Police matters, I have the honor to state that I personally discussed the questions with some select officers and obtained the written opinion of the Assistant Commissioner, Davangere Division.

2. I beg to re-transmit one copy of the printed memorandum with my marginal notes and submit the following further remarks:-

3. The Inspector General has used strong language in condemning the existing system, but my experience does not enable me to say that such wholesale condemnation is altogether justifiable.

4. The question of separating the Police work from the Deputy Commissioners and Amildars was first started in the year 1891 by the late Mr.Ricketts, the then Inspector General of Police, but the Government after discussing the question in all its aspects decided in para 3 of Proceedings Camp No.430-60 dated the 1st November 1891, that the Deputy Commissioners should, in the interests of an efficient Police administration continue to be the Heads of Police in their respective Districts. As regards the other question however, Viz: divesting the Amildars of the Police powers, though it had to be admitted.that the Amildars as Heads of Taluk Police had not fulfilled the expectations formed of them when in 1879-80 they were re-invested with Police functions, yet the Government did not think it feasible to bring about the proposed change in its entirety. A suggestion was made that the experiment of

relieving

relieving them of Police duties might perhaps be tried in two selected Districts, namely, one Head Quarter District and in one Mofussil District to be selected by Mr.Ricketts.

5. The question again came up before Government in July 1892 when Mr.V.P.Madhava Rao was the Inspector General of Police and after a further and mature consideration of the question, the Government finally decided in para 11 of Proceedings No.9113-28-J.508-92 dated 11th December 1892, that they were not prepared to see the Inspectors freed from the control of the Amildars or the Amildars divested of the responsibility for the working of the Police in their Taluks. The reasons for this decision are so well put in that order that they may be quoted here in full with advantage.

. . . . . .

4."On a careful consideration of the matter, the Government are of opinion that it is not expedient to relieve the Amildars at present of Police functions as proposed by the Inspector General, as the advantages accruing from the measure are doubtful, while the disadvantages resulting therefrom are manifold".

"5. The revision of the Village Police cannot be deferred much longer without leading to a further deterioration of this useful body, which slightly improved, is capable of rendering much efficient service to the Police administration of the State. It has hitherto been accustomed to work under the Amildar of the Taluk in all Revenue and Police matters and to look upon him as its natural superior and the withdrawal of Police powers from the Amildars will have the effect of subordinating it to the dual control of the Amildar and the Inspector and thereby causing friction and inconvenience."

"6. The Government cannot admit the correctness of the proposition that for Police administration to be successful the Amildar's connection therewith should entirely cease for it would depend for much of its success more upon the personal

personal

personal character of the officer at its head, whether he be Amildar or Inspector, than upon the kind of office held by him and it is rather an advantage than the reverse, when the Office appointed is one possessing the status of an Amildar. When the Amildar and Taluk Inspector are officers of more than average ability, the results are likely to be as satisfactory as when these officers are indifferent, the reverse would be the case".

"7. The Amildar while he is able, on occasions of emergency, to have recourse to the various resources at his command throughout the Taluk, is always in a position to exercise a healthy moderating influence over the Police, who, without such influence are at times liable to be carried away by departmental zeal into excesses. Altogether, his connection with the department is calculated to produce a salutary moral effect both on the lower ranks of the Police and on the general public, which can scarcely be expected from the Taluk Inspector however highly paid or however independent he may be."

"8. If the Village Police is ever to be improved, it can only be with the co-operation and through the instrumentality of the Amildar of the Taluk ".

. . . . . .

It must be admitted that the above arguments have lost none of their force by the lapse of time.

6. The Inspector General suggests that all correspondence of a purely departmental and routine nature should be carried on direct between him and the District Superintendents. I am of opinion that the Deputy Commissioners should be kept informed of the nature of all correspondence, whether routine or important, passing between the Inspector General and the District Superintendent, if they are to be responsible for the general control of the Police of the District and to this end it may so be arranged with due regard to speedy despatch and convenience that all such correspondence should pass through the Deputy Commissioners in the same way as is done with regard to the

correspondence

correspondence in the Forest Department where the Conservator addresses the District Forest Officer by name and sends his communications through the Deputy Commissioner, the same channel being observed by the District Forest Officer in addressing the Conservator in his turn.

7. Beyond this one small change in the method of correspondence, it seems highly advisable in the interests of efficient Police administration that the present system should remain undisturbed so long as existing conditions hold good.

....

DEPUTY COMMISSIONER, CHITALDRUG DISTRICT.

MEMO.

The question which the Inspector General of Police has submitted for the consideration of Government is whether the present system under which the Deputy Commissioner is held to be the head of the Police of the District and the Amildar the head of the Police of the Taluk, should continue or whether the District Superintendent of Police may be recognised as more or less in independent charge of the Police of his District (under the general control of the Deputy Commissioner) with the Inspector as the Head of the Taluk Police.

The proposals made by the Inspector General are in the main two :—

I. That District Superintendents of Police should be recognised as the responsible officers in Police charge of Districts and as the immediate subordinates of the Inspector General, and they should have *direct control* over, and correspond direct with the Inspector General, with regard to all matters of a departmental and routine nature specified in para 7 II of the Inspector General's letter to Government ; while the Deputy Commissioners should be responsible for the general control of the Police of the Districts subject to the control of the Inspector General as the ultimate controlling authority under Government in all branches of Police work, they being allowed to exercise the powers conferred in Government Proceedings of the 10th March 1904 with regard to recruitments, promotions and transfers, in addition to exercising control over investigation, detection and reporting of crime, with authority to issue specific instructions to District Superintendents regarding the conduct of all criminal cases and for the prevention of serious riots, disturbances &c.

REASONS urged for this proposal are: —

(a) Deputy Commissioners are overwhelmed with work of every descrip-

The time has not arrived for effecting radical changes such as those proposed by the Inspector General, in the present system of Police administration in the Province. This system is well suited to existing conditions and can be worked with a fair amount of efficiency.

(a) & (b).- It is too true that Dy.Commissioners are overwhelmed with work connected with several departments such as Revenue, Forest, Excise, Registration, Judicial &c. That they are unable to give undivided attention to the work of any one department is thus an objection which

does not apply to the Police department alone. Much of the routine work in the Police department is no doubt left in the hands of the Police Superintendents or Assistant Superintendents who are expected to keep their Deputy Commissioners informed of all that is going on. Under this system the Dy.Commrs: are able to interpose when their interference is really called for which will not be possible if direct correspondence is permitted between the Inspector General and the District Superintendent of Police.

My experience does not go to confirm these statements which cannot be said to be generally applicable.

tion and cannot give undivided attention to the work of any one Deptt. under them; it is impossible for a Deputy Commissioner to supervise the departmental and routine work of the Police Department.

(*b*) The majority of Deputy Commissioners generally leave everything in the hands of their Superintendents, never interfering in any matters of Police routine, and thus the present system is only workable when not worked at all.

NOTE:—The Inspector General has, however, in another place quoted with approval and as being still applicable the remarks of Mr. Ricketts that Deputy Commissioners interfere more especially in matters of detail and of patronage but do not aid the Police by watching, by personal action in cases, by guidance before trial or during investigation, and that they have plenty of power for interference without liability to blame for failures.

(c).-It is true that sometimes there are reprehensible delays in the disposal of Police papers, but this is due more to the fact of the District Police Office being undermanned than to the reasons ascribed by the Inspector General. I am not aware of a single case of undue delay in the Police communications passing through my hands to the Inspector General of Police on the one side and to the Supdt: of Police on the other

(*c*) Paralysing and chronic delays on the part of Deputy Commissioners in answering the Inspector General's requisitions, due to—(1) Police Tappal being received by Deputy Commissioner to whom the letters are required to be addressed, (2) want of mastery of subject.

(d). According to the existing system the Amildars as Heads of Police, exercise an efficient check over the actions of their Inspectors, and closely watch their conduct and aid in the investigation and detection of cases with the help of their local knowledge and influence. The Dy: Commrs: do the same as far as possible, in respect of the work done by the Asstts: or Supdts: of Police in their respective Distt: Under such circumstances, it does not appear correct to say that the old system is allowed to continue in a mutilated and unworkable form.

(*d*) Before the Rendition in 1881 there was virtually no separate Police Department, while since, a regular Police Department has come to existence with an Inspector General of Police, District Superintendents, Inspectors, Chief Constables, Constables &c. all well organized, but yet the old system is allowed to continue in a mutilated and unworkable form.

(e). - In my humble opinion the status of the Taluk Inspectors at present, is such that the Police administration can not with safety be entirely left in their hands uncontrolled by Amildars.

(*e*) The existing Police Department has had 15 to 20 years dry nursing by

According to the present scale of Inspectors more than one half the number are in the Rs.40 plus 15 grade and nearly a quarter on Rs.50 plus 15 grade. It would be hazardous to the public safety if such indifferently paid Police officers were made independent of Amildars.

(f). When the Inspector, the Amildar or the Supdt: of Police takes a direct part in the investigation of cases, his respectability is defined and I do not see how he can succeed in shifting responsibility from his own shoulders to those of any other, without being called to account for any failure of justice.

(g). - Any Supdt: using insubordinate language in a communication issuing in the name of the Dy.Commr: can be easily spotted and due notice taken of his conduct by the Inspector General if he is found to have acted without the knowledge or authority of the Deputy Commr: such cases must be extremely rare.

(h). - These defects if they exist, cannot all be laid at the door of the existing system. What is wanted is a better class of men on more liberal pay if the tone of the Police service is to be raised.

(i).- The clamour for the separation of the Magisterial from the executive functions is not confined solely to the combination of the Police with Magisterial functions. There are various other Depts: the executive functions of which are combined in the Magistracy. But the suggested reform is impracticable at present on grounds of economy.

(j).- & (k).- I am for continuing the present system for reasons already stated.

the Revenue Department and there are now in it specially trained and selected officers paid by Government to do the Police work and undertaking the duties and responsibilities connected therewith.

(*f*) Under present arrangements responsibility can be shifted from the shoulders of one officer to those of another to the detriment of efficiency.

(*g*) District Superintendents are now in an unnecessarily false position, between the Inspector General and the Deputy Commissioner; and District Superintendents in addressing the Inspector General, in the name of the Deputy Commissioner, make use of inappropriate and insubordinate language of which the Inspector General is not now in a position to take direct notice.

(*h*) A feeling of *esprit de corps*, of *responsibility* and *independence* is now wanting among the officers and men of the Department.

(*i*) The Press and the Public have been clamouring for the separation of the magisterial and executive functions.

(*j*) In Madras and in all Provinces where Commissioners of Divisions do not exist, the District Magistrate's authority as regards the Police is strictly confined to the functions and powers vested in him by the Criminal Procedure Code, while the internal economy and departmental details are supervised by the District Superintendent under the orders of his Departmental superiors, the Deputy Inspector General or Inspector General.

(*k*) The Madras System, with modifications is more suited to Mysore than the Bombay one under which Division Commissioners exercise

many of the powers of the Inspector General in Madras, and the Deputy Commissioners those of the Deputy Inspector General.

II. That the Amildars should be divested of all purely Police powers *i. e.* they should be dissociated from all direct interference with the Police in their *executive detective* and *investigating* duties, but should as Magistrates afford advice and aid to the Police and exercise their influence in matters of emergency.

REASONS urged for this proposal are:—

(*a*) The present is a survival of the old candachar system.

(*b*) The Amildar's routine and Revenue work has increased considerably and he cannot fairly be expected to do Police duties.

(*c*) In 1902-03 Amildars investigated only 1.2 percent of the crime and the instances were very few in which their investigation in any way assisted the Police enquiry.

(*d*) Amildar's interference is perfunctory and ill regulated, retards rather than assists Police investigation, discourages rather than encourages original and individual action on the part of Inspectors and Jamadars.

(*e*) The Amildar and the Inspector have now a chance of shirking responsibility and throwing the blame from one to the other, or of both working together to a bad end.

(*f*) The Amildar if divested of Police powers can exercise an independent and scrutinizing watch on the conduct of the Police in the investigation and detection of cases, and there need not be magisterial antagonism.

II. - This radical change is not desirable in the present circumstances.

(a). It would be more correct to say that the present is a great improvement on the old Kandachar system and is best suited to the existing conditions.

(b). I do not think that the Amildar's Revenue work can be said to prevent him from exercising a wholesome supervision on the work done by his Taluk Inspector, and I have heard no such complaints from any Amildar.

(c). The work of an Amildar, in my opinion, is not to be guaged by the per centage of direct investigations conducted by him. His usefulness lies in the general control exercised by him over his Inspector so as to give no room for oppression or vagaries of any kind.

(d). These are generalizations to which my experience does not lend support.

(e). I do not think that there is any difficulty under the present system of fixing the responsibility on the right shoulders should anything go wrong. I hardly know of a case in which the Amildar and his Inspector made common cause for a bad end.

(f) If the Amildar is divested of Police functions he cannot be expected to take that interest in the work which the present system compels him to do.

(g). Most of the Amildars are third class magistrates and in cases triable by them they have no hand in the investigation which is generally held by the Inspector or other Police officer of lower rank. The more important cases in which the Amildars may take part in the investigation are generally triable by higher Magistrates or Courts. No inconvenience is experienced in the present system on this score.

(h). Nor can the head of any other Department do this. By para 10 of Govt; Pro: No.9118-28-J.508-92 dated 11th December 1892, the Inspector General is required to report an Amildar to Govt: for any shortcomings in the discharge of his Police duties.

(i). As already remarked the pay of the majority of the Inspectors is pitched too low to qualify them for the impartial and efficient discharge of their duties independently of the control of Amildars.

(j). Vide remakks against para (i) Part I supra.

(k). The state of things peculiar to Mysore is a sufficient justification for the existing system.

(*g*) Cases within the Amildars jurisdiction have now to be taken up by Divisional or other Magistrate on the ground that the Amildar conducted or supervised Police enquiry and this causes delay in Magisterial enquiry and necessitates complainants and witnesses being dragged from place to place.

(*h*) The Inspector General cannot take direct notice of the negligence &c. of Amildars in Police matters.

(*i*) Inspectors are now as well educated and experienced as Amildars and do not need the guidance of Amildars.

(*j*) The cry for the separation of judicial and executive functions has greater force in the case of Amildars and if these are deprived of Police powers there will be more even handed justice in the subordinate courts of the State.

(*k*) In no Province or Presidency of India (except perhaps in special areas in the N. W. Provinces) are Tahsildars recognised as heads of the Tahsil Police.

V. B. Soobbiah & Sons, Bangalore—1904.

Copy of letter ~~received from~~ addressed by Mr.M.Chengiah Chetty, Senior Assistant Commissioner, Closepet. to the Dy Comm^r Bangalore Dt

In reply to your D.O.Letter dated the 16th Idem, I have the honor to state as follows:-

It must be admitted that the duties of Amildars have increased tremendously and they have therefore, neither time nor inclination to pay that amount of attention to the Police matters as is expected of them as Heads of the Police. Even if one is willing to take active part in this respect, he receives very little encouragement from the Superintendent of Police, as his recommendations, about punishments, transfers and promotions of the subordinate staff are not favourably viewed by him. There seems to be a sort of feeling of Espirit de corps between ~~the~~ one Policeman and another, however high or low their positions may be.

2. This is the chief reason why well-interested and energetic Amildars have become indifferent to Police work. As head of the Taluk Police, he ignores or connives at many of the irregularities of the Police in the investigation of cases &c, because he thinks their exposure will bring discredit upon his Police administration of the Taluk. I am therefore of opinion that the Amildars should be divested of all Police powers which they now exercise.

3. There is misgiving in some quarters that if the Amildars are deprived of the control and supervision over the Taluk Police, the ignorant ryot population will suffer much from the low paid Police officials, as the Amildar will not then, interfere in such matters unless he receives complain against them as a Magistrate. This impression seems to be more imaginary than real. At present, the aggrieved party does not go to the Amildar but to his superior, fully believing that the Police Inspector and Amildar are one, and that his representations will not have the desired effect.. On the other hand if the Amildar is made independent of the Police

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the pepple will readily go to him to represent their grievances provided they know he has the power to get him redress

4. As the chief of the Taluk, he gets information from different sources as to what takes place within his jurisdiction. He will naturally report the conduct of the Police official concerned to the Deputy Commissioner who will take the needful steps to set matters right.

5. The separation will moreover result in the Amildar's administering justice impartially in all police cases; will put an end to the granting of remands without proper grounds and other irregularities that affect the liberty of the people.

6. So long as the Police department is directly under the Deputy Commissioner's control, and so long as the Amildars are allowed to bring to their notice, the vagaries of the Police that come to their knowledge, I have no hesitation in saying that there will be no harm in divesting them of Police functions.

7. I am of opinion that Deputy Commissioners should continue to be the Heads of the District Police as the Superintendents require their guiding hand in all important matters.

Opinion of Mr. Kumaraswami Naik, Asstt:Commr:
1st Class Magistrate, Bangalore.

Referring to your D.O.Letter of the 16th Instant, ament, the separation of the Police powers from the Amildars and Deputy Commissioners, I beg to state that the question - was once mooted by the late Mr.Ricketts, the then Inspector General of Police and was thoroughly discussed by the members of a special Conference held, of some of the leading officers of the State, both Native and European. The Government then resolved that the trend of ~~the~~ opinion of the majority of officers, was against the separation of the Police functions from the Executive Revenue Officers, and that the proposed measure did not commend itself to Government.

I am sorry that, owing to the offices being closed on account of the holidays, I have not been able to lay my hands upon the Government Proceedings I allude to.

I do not, however, think that any great change has happened since, in either the territorial extent of the Province or its finances to undertake such an elaborate and costly - system of Police organization, as is now in vogue, in the - large Provinces of British India.

With the advance of civilization and better prospects held out in the adjoining provinces, it must be acknowledged that no really sound and efficient men, could be secured for the grade of the Police Superintendents, on the existing salaries.

Unless the status of the District Superintendent of Police is raised to the level of other District officers of this - Province, at least, such as the Forest Deputy Conservator, the Executive Engineer &c, the Head of the District Police Force can ~~hardly~~ hardly be expected to command that respect among the public, which is essential for the maintenance of the public peace and the proper control of the Criminal classes, within his large domain.

The status of the Police Inspectors as Taluk Heads of

Police

Police will have to be similarly raised, to expect any good and honest work from the subordinate Police staff. If the Village Potails who are also miniature Revenue Officers, within their small jurisdictions are not divested of their Police functions along with Amildars, and a separate agency is appointed as in the case of Taluks and Districts, there will be numerous practical difficulties for the proposed system to work satisfactorily. There will be constant friction between the Police and the Revenue Departments, which must necessarily cause a lot of trouble and annoyance to both the Departments, when one man has to serve two masters.

It is very unlikely that under the existing conditions the proposed scheme would at all bring credit to the Department and be an improvement upon the present system. Nor can it be calculated to vouch much safety to the public, considering the existing defective system of law which, while offering too many difficulties in the way of securing good detection of crimes and criminals, places unlimited powers in the hands of Police officers which, if abused, are likely to produce disasterous results. The Police branch of administration is one which deals with both the life and property of the public, and any reform which does not vouch for the efficiency of this branch of work, could be scarcely adopted, with any credit to the administration. Even if the Amildars are divested of Police functions on the ground that they are hardly able to devote much of their time to Police work considering their multifarious duties, to deprive the Deputy Commissioners of their wholesome control over the District Police staff, ought to be the last thing that should be resorted to in this small Province for many more years to come, and so far as I can see, there seems to exist hardly any difficulty for the working of the Department so long as there is a clear understanding that the Deputy Commissioners are the final executive authority for the management of Police affairs within their respective Districts, the Inspector General of Police being concerned with

the more important functions connected with administrative matters, having not much to do with the internal affairs of the Department within each District.

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Mr.S.Balasunderam Iyar, City Magistrate of Bangalore.

Note.

(1) To divest the Amildar of Police functions and make the Inspector the head of the Taluk Police.

I think this is a desirable reform. At present the Amildar is the head of the Taluk Police and as such investigates the more serious cases, such as of murder, dacoity &c. Even in the cases which he does not investigate personally he is kept informed of the course of the investigation, having often to advise and to keep an eye on the officer actually conducting the enquiry. There is no doubt that the help of the Amildar is an important factor in the successful detection of Police cases and his supervision has generally a salutary influence in keeping minor Police officers straight.

From this point of view the withdrawal of Police powers from the Amildar is to be deprecated.

The Amildar is also a Magistrate of the 3rd or 2nd Class. As such he has to deal with the bulk of the Magisterial work of the Taluk, including a large proportion of Police cases. In this latter ~~head~~ kind of cases, he will have heard about the cases in his capacity as head of the Police, and even with the best of intentions, cannot get rid of a certain amount of prejudice, generally in favour of the Police, and in some circumstances against them. There is therefore some foundation in fact, for the common impression that an impartial trial is not to be had in Amildar's Courts.

The Amildar's work as head of the Taluk Police is less important than his work as the Taluk Magistrate, and it is desirable to relieve him of the former so as to increase his efficiency in the latter and restore public confidence in his dispensing justice with fairness and impartiality. As a Magistrate merely he would still have control over the Police

and

and would be in a more independent position to criticize their shortcomings, than if, as head of the Police he was in a way responsible for the faults of his subordinates.

From this point of view the proposed divestiture of police powers fromthe Amildar is very desirable.

It is a well known fact that the Amildars in Mysore are saddled with the work of so many departments that their work as Revenue officers is very much neglected. The proposed reform will enable the Amildars to devote more time and attention to their more legitimate duties.

II. To make the Superintendents and Assistant Superintendents of Police the immediate subordinates of the Inspector General of Police and relieve the Deputy Commissioners of all work connected with the internal economy of the Force leaving to the Deputy Commissioners such powers of general - control as are generally vested in District Magistrates under the Police Acts in force in British India.

No doubt the District Superintendents and Assistant Superintendents should be chiefly responsible for the efficiency of the District Police, and should have sufficient discretionary powers in the matter of patronage and punishment. But I I am not in favour of doing away altogether with the Deputy Commissioner's departmental control over the Police. Especially in the case of departmental punishments, it is, I think, desirable to have a right of appeal from the orders of the - District Superintendents to the Deputy Commissioner. District Superintendents like other human beings are likely to err, and in such cases the Deputy Commissioner who is likely to have local knowledge and can easily make any necessary local enquiry, will be better able to set matters right than the Inspector General who will have to mainly depend on the District Superintendent's reports. Even in the contrary case where the District Superintendent has rightly punished a delinquent, the Deputy Commissioner will be in a better

position

position than the Inspector General of Police, to properly discount exaggerations and mis-statements of the appellant. Of course an interminable right of appeal is detrimental to departmental discipline, and appeals from the orders of District Superintendents to Deputy Commissioners and from those of Deputy Commissioners to the Inspector General of Police - should only be permitted when the punishment awarded exceeds certain maxima.

The Police forms an important branch of the District administration, and I think it desirable that the Deputy Commissioner as the responsible head of the District, should have a greater intimate knowledge of and more powers of control - and supervision over the District Police than he will possess as District Magistrate.

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Opinion of Mr.P.Vencoba Rao, Assistant Commissioner.
Bangalore Range.

With reference to your letter of the 10th Instant in which you kindly desired my opinion regarding the revision of the Draft Police Regulation, I have the honor to submit - the following as my views:-

I believe that both the proposals (1) and (2) are - mainly based upon the grounds firstly that the Amildar and the Deputy Commissioner have multifarious duties and therefore can devote little time to Police work, secondly that both the officers named are Magistrates and that it would be good to separate Judicial and Police functions and thirdly that there would be a better central control if the Superintendents and Assistant Superintendents were in immediate contact with the Inspector General. The separation of Judicial and Police - functions has to some extent been carried out in British India For my part I do not think that nothing can be said on the - other side. The Amildar is the Taluk Officer and the Deputy Commissioner is the District Officer and they are responsible for the general good administration of the territory in their charge and efficient police work is one element in a good administration. Therefore separation of Police functions does not seem desirable. Secondly, the argument about the danger of combining Police and Judicial functions does not seem to be very forcible, because so far as I am aware, the Amildar and the Deputy Commissioner never try cases which they investigate, mainly because they investigate personally only the - serious cases that are committed to the Sessions and for commitment to the Sessions, there are generally in every District Assistant Commissioners who are purely Magistrates without - . Police functions. Thirdly, as for the better Central control in case the Amildar and the Deputy Commissioner are divested of Police functions, I am not in a position to offer an opinion

not

not being aware of the nature of the probable improvement in Control, but I may perhaps hazard the statement that the - status of the purely Police officers namely, the Inspectors and the Superintendent is not so high as that of the corresponding Revenue Officers namely, the Amildar or the Deputy - Commissioner as to make it a matter of no concern for a Taluk or District that it should lose the influence of the Revenue officer in the Police Department. As for the separation of - the Judicial and Police functions in British India, I am not aware if the separation has secured any blessings that it was not possible to secure during a continuation of the functions or if it has removed any evils of the system of combination.

On the whole, I would give it as my opinion that even as matters now stand, the Inspectors and the Superintendents of Police are practically the heads of the Police in the Taluk and the District respectively and that if the proposals now made are carried out, the Police department will lose the co-operation of the Amildar and of the Deputy Commissioner against which loss I do not know exactly what gain to set off.

I have considered proposals (1) and (2) together, as the underlying principles appear to me to be identical.-

To conclude, neither the harm of the present system nor the benefits of the proposed system are clear beyond reasonable doubt and therefore no action seems to be called for.

.....

Opinion of Mr.S.Amir HassanSaheb, Assistant Commissioner, and 1st Class Magistrate, Saklespur Sub Division.

....

I fully concur with the opinion of the Inspector General of Police, and I think that the recognition of the Superintendents of Police as the responsible officers in Police charge of Districts and as immediate subordinates of the Inspector General will be productive of good results, as the department will work more advantageously than at present; and that the continuation of the general control &c, by the Deputy Commissioner in the matters described in the latter part of the proposal is also very necessary.

I am of opinion that if the Amildars are divested of all Police functions and efficient Inspectors selected and made as the head of Taluk Police, the scheme will work much better on the whole. The reasons given for doing so by the Inspector General are no doubt very sound.

The only care that will have to be taken is, that the above officers (amildars and Inspectors) may not clash with each other as they are to discharge their functions with the help of the common staff of village servants.

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Opinion of Mr.K.Chandy B.A., Assistant Commissioner and 1st Class Magistrate, Hassan District.

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The question is one beset with considerable difficulty, but it is possible to arrive at tolerably definite views, if certain general premises are admitted. These are mostly truisms and may roughly be stated as follows:-

(a) The principles and systems adopted to a highly civilized country are unsuited to one which is comparatively uncivilized.

(b) The functions of the Police - stated briefly - being to keep the peace, and to prevent and detect crime, the ideal policeman, like the ideal king ought to be a terror to evil doers and a tower of strength to the law-abiders.

(c) Some approximation to the ideal is possible only - where on the one hand, the policeman is well paid, educated, honest and efficient and on the other, the citizens of the State are educated and know what their rights and liberties are. England and Japan may be cited as instances of such - countries.

(d) The latest census returns shew that in Mysore, as in India generally, the proportion of literates to illiterates is still infinitismal. The census meaning of literate is merely knowledge to read and write the vernacular. There are no figures to shew the proportion of those that are really educated and know their rights and liberties. I do not expect the figure will be more than 5 to 10 in a thousand. One could go through several villages in a whole region and not find a single 'educated' man. Similarly the Police in India and Mysore are not well paid. The lower ranks are not educated and the higher ranks do not consist altogether or even more largely of honest, educated and efficient men.

With the Police and the people in this condition, it has followed that in India generally the policeman is as often a terror

terror to the law-abiding people as to the evil-doers. The revelations made in the Police Commission have not all been made public yet, but they are not likely, when published, to surprise those that have come in contact, as citizens, with the Police.

Such being the actual condition of things, we have got to decide whether it would be an advantage or otherwise to divest Amildars and Deputy Commissioners of Police functions. If things in Mysore were anything like an approximation to para(c) one would certainly recommend the separation on the grounds both that division of functions would create greater efficiency and that the Judges and the investigating staff should be totally different.

But when the facts are as in (d) other considerations come in.

I have had some little knowledge of the Police in Madras, Travancore, Cochin and Mysore, and am decidedly of opinion that the policeman in Mysore is far less a source of oppression and terror to people than his colleague in Madras Travancore or Cochin. The comparatively greater sobriety and stolidity of the Mysorean may be the explaining cause to some extent -, Mr.Thurston, Superintendent of the Government Museum who had taken extensive antnropometric measurements thinks that the Mysorean is of a different race from the Madrasee and the Malayalee -; but I have no doubt that the fact of Amildars and Deputy Commissioners having direct control over the Police in Mysore unlike as in the other areas, has a great deal to do with this difference. The Amildar is much better paid than the Inspector, is generally more educated, and as he comes in contact with ryots at different points and not altogether at one point, and that a bad one, as in the case of the Inspector, he generally develops into a more humane being or at least into a more genial tyrant than the average independent Inspector of Madras. Hence he generally

exercises

exercises a very salutary and efficient check over the Police of his Taluk. The average law-abiding ryot would, I think, have the Mysore Amildar as his Police head rather than the Madras Inspector. As regards the investigation and detection of crime also, the results in Mysore do not compare unfavourably with those in British India.

The chief objection against the Amildar being the head of the Police is that he both investigates cases and tries them. This, however, is not the case. It is only the heinous cases that the Amildar investigates and these are tried by the higher Magistrates. The objection, therefore, loses much of its force.

Similar considerations apply as regards divesting the Deputy Commissioners of their Police functions. The Deputy Commissioners are highly educated and trusted servants of Government and it would be practically impossible to get as efficient men for the much less paid and less trusted office of Superintendents. A deputy Commissioner may be expected to see that there is justice and fair play in Police administration and investigation better than a Superintendent. The latter naturally looks to achieving results, and might resort to questionable methods, whereas the Deputy Commissioner is usually sufficiently strong and trusted to look only to higher justice.

The chief objection here also is that a District Magistrate should not be the head of the Police. But here also if a plebiscite of the ryots is taken, I am certain that the overwhelming majority of the law-abiding people would have a Mysore Deputy Commissioner as their Police Head in preference to a Madras Superintendent.

It is said again, that the Deputy Commissioner as District Magistrate is likely to influence the Assistant Magistrates and so impair their judicial independence. Whatever

truth

thruth there might have been in this allegation in the old days, - and on this point I have no information. - it appears to me to be merely libellous concerning the present set of educated Deputy Commissioners and Assistants. The purely Police results under the Mysore system are not worse than those of British India.

In effect, while having District and Taluk heads of Police separate from the Magistracy is theoretically commendable, a supreme head of the District and of the Taluk to whom His Highness' subjects could look for some fair - justice, is under the conditions now obtaining in Mysore. decidedly preferable to inflicting on them two distinct and separate heads, with divided control, and with opportunities to use their power so as to terrorise the people.

For the above reasons, I do not think that it would be an advantage to divest the Amildars and Deputy Commissioners of their Police functions. At any rate, we might await the result of the Police Commission before taking any decisive steps.

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Mr. K. Chandy, Assistant Commr: and 1st class Magistrate

MEMO.

The question which the Inspector General of Police has submitted for the consideration of Government is whether the present system under which the Deputy Commissioner is held to be the head of the Police of the District and the Amildar the head of the Police of the Taluk, should continue or whether the District Superintendent of Police may be recognised as more or less in independent charge of the Police of his District (under the general control of the Deputy Commissioner) with the Inspector as the Head of the Taluk Police.

The proposals made by the Inspector General are in the main two :—

I. That District Superintendents of Police should be recognised as the responsible officers in Police charge of Districts and as the immediate subordinates of the Inspector General, and they should have *direct control* over, and correspond direct with the Inspector General, with regard to all matters of a departmental and routine nature specified in para 7 II of the Inspector General's letter to Government ; while the Deputy Commissioners should be responsible for the general control of the Police of the Districts subject to the control of the Inspector General as the ultimate controlling authority under Government in all branches of Police work, they being allowed to exercise the powers conferred in Government Proceedings of the 10th March 1904 with regard to recruitments, promotions and transfers, in addition to exercising control over investigation, detection and reporting of crime, with authority to issue specific instructions to District Superintendents regarding the conduct of all criminal cases and for the prevention of serious riots, disturbances &c.

This can be remedied if Government frame rules to say in what matters Superintendents may address the Inspector General direct, and in what through Deputy Commissioner.

REASONS urged for this proposal are: —

(*a*) Deputy Commissioners are overwhelmed with work of every descrip-

The Mysore Districts are very much smaller than the Madras Collectorates and a Dy.Commr: can find time to attend to Police work.

This is too sweeping. The Supdts: will themselves say that they receive valuable guidance from Dy.Commrs:

This is not true of all Dy.Commrs: and hence the argument loses its force.

(1).-Tappals are usually opened by an Assistant at Head-quarters when Dy.Commr: is out in camp. If this is generally enforced delay be can be avoided.
(2). The average Dy.Commr: certainly knows as much as the average Supdt: in Mysore.

tion and cannot give undivided attention to the work of any one Deptt. under them; it is impossible for a Deputy Commissioner to supervise the departmental and routine work of the Police Department.

(*b*) The majority of Deputy Commissioners generally leave everything in the hands of their Superintendents, never interfering in any matters of Police routine, and thus the present system is only workable when not worked at all.

NOTE:—The Inspector General has, however, in another place quoted with approval and as being still applicable the remarks of Mr. Ricketts that Deputy Commissioners interfere more especially in matters of detail and of patronage but do not aid the Police by watching, by personal action in cases, by guidance before trial or during investigation, and that they have plenty of power for interference without liability to blame for failures.

(*c*) Paralysing and chronic delays on the part of Deputy Commissioners in answering the Inspector General's requisitions, due to—(1) Police Tappal being received by Deputy Commissioner to whom the letters are required to be addressed, (2) want of mastery of subject.

(*d*) Before the Rendition in 1881 there was virtually no separate Police Department, while since, a regular Police Department has come to existence with an Inspector General of Police, District Superintendents, Inspectors, Chief Constables, Constables &c. all well organized, but yet the old system is allowed to continue in a mutilated and unworkable form.

(*e*) The existing Police Department has had 15 to 20 years dry nursing by

This appears to have made the Mysore Police less a source of oppression than the Madras Police.

This can be avoided by Supdts: addressing Inspector General direct and forwarding through Dy.Commr: as in the Forest Deptt:

Some representatives at the last Assembly wanted the continuance of the present system.

This does not appear to have achieved results vastly superior to those achieved under the Mysore system.

the Revenue Department and there are now in it specially trained and selected officers paid by Government to do the Police work and undertaking the duties and responsibilities connected therewith.

(*f*) Under present arrangements responsibility can be shifted from the shoulders of one officer to those of another to the detriment of efficiency.

(*g*) District Superintendents are now in an unnecessarily false position, between the Inspector General and the Deputy Commissioner; and District Superintendents in addressing the Inspector General, in the name of the Deputy Commissioner, make use of inappropriate and insubordinate language of which the Inspector General is not now in a position to take direct notice.

(*h*) A feeling of *esprit de corps*, of *responsibility* and *independence* is now wanting among the officers and men of the Department.

(*i*) The Press and the Public have been clamouring for the separation of the magisterial and executive functions.

(*j*) In Madras and in all Provinces where Commissioners of Divisions do not exist, the District Magistrate's authority as regards the Police is strictly confined to the functions and powers vested in him by the Criminal Procedure Code, while the internal economy and departmental details are supervised by the District Superintendent under the orders of his Departmental superiors, the Deputy Inspector General or Inspector General.

(*k*) The Madras System, with modifications is more suited to Mysore than the Bombay one under which Division Commissioners exercise

many of the powers of the Inspector General in Madras, and the Deputy Commissioners those of the Deputy Inspector General.

Not proved.

II. That the Amildars should be divested of all purely Police powers *i. e.* they should be dissociated from all direct interference with the Police in their *executive detective* and *investigating* duties, but should as Magistrates afford advice and aid to the Police and exercise their influence in matters of emergency.

REASONS urged for this proposal are:—

(*a*) The present is a survival of the old candachar system.

(*b*) The Amildar's routine and Revenue work has increased considerably and he cannot fairly be expected to do Police duties.

Some Amildars do.

(*c*) In 1902-03 Amildars investigated only 1.2 percent of the crime and the instances were very few in which their investigation in any way assisted the Police enquiry.

(*d*) Amildar's interference is perfunctory and ill regulated, retards rather than assists Police investigation, discourages rather than encourages original and individual action on the part of Inspectors and Jamadars.

(*e*) The Amildar and the Inspector have now a chance of shirking responsibility and throwing the blame from one to the other, or of both working together to a bad end.

(*f*) The Amildar if divested of Police powers can exercise an independent and scrutinizing watch on the conduct of the Police in the investigation and detection of cases, and there need not be magisterial antagonism.

If the votes of the law-abiding public are taken, the result would be an overwhelming majority in favour of the present system.

(*g*) Cases within the Amildars jurisdiction have now to be taken up by Divisional or other Magistrate on the ground that the Amildar conducted or supervised Police enquiry and this causes delay in Magisterial enquiry and necessitates complainants and witnesses being dragged from place to place.

(*h*) The Inspector General cannot take direct notice of the negligence &c. of Amildars in Police matters.

(*i*) Inspectors are now as well educated and experienced as Amildars and do not need the guidance of Amildars.

(*j*) The cry for the separation of judicial and executive functions has greater force in the case of Amildars and if these are deprived of Police powers there will be more even handed justice in the subordinate courts of the State.

(*k*) In no Province or Presidency of India (except perhaps in special areas in the N. W. Provinces) are Tahsildars recognised as heads of the Tahsil Police.

Please see also certain general remarks on the whole question submitted herewith, which contrast the Madras and Mysore systems.

V. B. Soobbiah & Sons, Bangalore—1904.

MEMO.

The question which the Inspector General of Police has submitted for the consideration of Government is whether the present system under which the Deputy Commissioner is held to be the head of the Police of the District and the Amildar the head of the Police of the Taluk, should continue or whether the District Superintendent of Police may be recognised as more or less in independent charge of the Police of his District (under the general control of the Deputy Commissioner) with the Inspector as the Head of the Taluk Police.

The proposals made by the Inspector General are in the main two :—

I. That District Superintendents of Police should be recognised as the responsible officers in Police charge of Districts and as the immediate subordinates of the Inspector General, and they should have *direct control* over, and correspond direct with the Inspector General, with regard to all matters of a departmental and routine nature specified in para 7 II of the Inspector General's letter to Government; while the Deputy Commissioners should be responsible for the general control of the Police of the Districts subject to the control of the Inspector General as the ultimate controlling authority under Government in all branches of Police work, they being allowed to exercise the powers conferred in Government Proceedings of the 10th March 1904 with regard to recruitments, promotions and transfers, in addition to exercising control over investigation, detection and reporting of crime, with authority to issue specific instructions to District Superintendents regarding the conduct of all criminal cases and for the prevention of serious riots, disturbances &c.

REASONS urged for this proposal are: —

(*a*) Deputy Commissioners are overwhelmed with work of every descrip-

(a). The Dy. Commrs: have, no doubt, multifarious duties to attend to, and it is perhaps, a fact that the ordinary Departmental and routine work of the Police Deptt: is not very closely supervised by them.

tion and cannot give undivided attention to the work of any one Deptt. under them; it is impossible for a Deptt. under them; it is impossible for a Deptt. under them; it is impossible for a

be said of the Taluk Police.

the Revenue Department and there are now in it specially trained and selected officers paid by Government to do the Police work and undertaking the duties and responsibilities connected therewith.

(f). This appears rather vague. The remark may perhaps, apply to officers of co-ordinate rank or status engaged in one work but will hardly apply to the case of officers one of whom is subordinateto the other - necessitating joint and united action.

(*f*) Under present arrangements responsibility can be shifted from the shoulders of one officer to those of another to the detriment of efficiency.

(g). Is it meant that there is no remedy for this, except to deprive the Dy.Commissioners of Police work and are such cases of the use of inappropriate and insubordinate language by the Distt: Superintendents common? It appears possible to take notice when such instances actually occur.

(*g*) District Superintendents are now in an unnecessarily false position, between the Inspector General and the Deputy Commissioner; and District Superintendents in addressing the Inspector General, in the name of the Deputy Commissioner, make use of inappropriate and insubordinate language of which the Inspector General is not now in a position to take direct notice.

(h). There is no doubt that the formation of an independent Police Department will create and foster a feeling of esprit de corps.

(*h*) A feeling of *esprit de corps*, of *responsibility* and *independence* is now wanting among the officers and men of the Department.

(i). The soundness of the principle of separating Magisterial and executive functions is, I think, established and cannot be questioned.

(*i*) The Press and the Public have been clamouring for the separation of the magisterial and executive functions.

(*j*) In Madras and in all Provinces where Commissioners of Divisions do not exist, the District Magistrate's authority as regards the Police is strictly confined to the functions and powers vested in him by the Criminal Procedure Code, while the internal economy and departmental details are supervised by the District Superintendent under the orders of his Departmental superiors, the Deputy Inspector General or Inspector General.

(*k*) The Madras System, with modifications is more suited to Mysore than the Bombay one under which Division Commissioners exercise

many of the powers of the Inspector General in Madras, and the Deputy Commissioners those of the Deputy Inspector General.

II. That the Amildars should be divested of all purely Police powers *i. e.* they should be dissociated from all direct interference with the Police in their *executive detective* and *investigating* duties, but should as Magistrates afford advice and aid to the Police and exercise their influence in matters of emergency.

REASONS urged for this proposal are:—

(*a*) The present is a survival of the old candachar system.

(*b*) The Amildar's routine and Revenue work has increased considerably and he cannot fairly be expected to do Police duties.

(*c*) In 1902-03 Amildars investigated only 1.2 percent of the crime and the instances were very few in which their investigation in any way assisted the Police enquiry.

(*d*) Amildar's interference is perfunctory and ill regulated, retards rather than assists Police investigation, discourages rather than encourages original and individual action on the part of Inspectors and Jamadars.

(*e*) The Amildar and the Inspector have now a chance of shirking responsibility and throwing the blame from one to the other, or of both working together to a bad end.

(*f*) The Amildar if divested of Police powers can exercise an independent and scrutinizing watch on the conduct of the Police in the investigation and detection of cases, and there need not be magisterial antagonism.

(b). This is true to a great extent but the question is whether, without a sacrifice of efficiency, he can be withdrawn altogether from Police duties.

(c). The importance of the Amildar's position lies in the control and watch over the Inspector's work that he exercises. The small percentage shown here is perhaps accounted for by the fact that the Amildar takes up personal investigation only in the heinous and more important offences as murder, dacoity, &c, leaving the investigation of petty crimes to the Inspectors. And it is in the heinous crimes that all the influence and prestige of the Amildar is required for successful investigation.

(e). The same remarks apply here as in the case of (f) above.

(g). If the case is of sufficient importance to require the investigation to be made by the Amildar, it is as well that the case should be tried by the Divisional or other Magistrate. The delay and trouble to parties is rarely great or significant.

(g) Cases within the Amildars jurisdiction have now to be taken up by Divisional or other Magistrate on the ground that the Amildar conducted or supervised Police enquiry and this causes delay in Magisterial ~~enquiry~~ and necessitates complainants and witnesses being dragged from place to place.

h). This is true. But in case the Police Dept., is made independent, the question of control of the Village Police requires serious consideration. At present, very often the same persons, viz., Patels exercise Police and Revenue functions, and are subordinate under both to the Amildar. If a separate head of Police is appointed for the Taluk, the Patels will be under subordination of two officers and friction is sure to be caused. Separate arrangements will have to be thought out and brought about with regard to the Village Police.

(h) The Inspector General cannot take direct notice of the negligence &c. of Amildars in Police matters.

(i). On this point there is bound to be great difference of opinion. Though, no doubt, the class of officers comprising the rank of Inspectors, has considerably improved of recent years, yet, it cannot be held that the Inspectors more especially those of the lower ranks, can be appointed responsible heads of Taluk Police. Their pay and status have to be raised to secure able and more trustworthy men competent to be heads of Taluk Police.

(i) Inspectors are now as well educated and experienced as Amildars and do not need the guidance of Amildars.

(j) The cry for the separation of judicial and executive functions has greater force in the case of Amildars and if these are deprived of Police powers there will be more even handed justice in the subordinate courts of the State.

(k) In no Province or Presidency of India (except perhaps in special areas in the N. W. Provinces) are Tahsildars recognised as heads of the Tahsil Police.

Conclusion.- In my humble opinion, the situation is as follows:- The soundness of the principle of separation of Magisterial from Police functions is beyond question. The only point for consideration is, whether in the existing state of circumstances in the Province, the Amildars may be divested of Police duties and the Inspectors made Heads of Taluk Police. It appears to me that this cannot now be - brought about without a sacrifice of efficiency. The Amildars must continue to hold that position until the pay and status of all Inspectors is raised - to be equal at least to that of Deputy Amildars.

V. B. Soobbiah & Sons, Bangalore—1901.

Secondly,

Secondly.- There is perhaps not so much objection to District Superintendents being made direct subordinates of the Inspector General, the Deputy Commissioners being relieved of all Police powers and functions. But as long as the Amildar continues to have connection with the Police, this change appears frought with some anomaly - for, the Amildar will then, be subordinate on the one hand to the District Superintendent and on the other to the Deputy Commissioner, both portions of his duties being more or less of equal importance.

Hence, relieving the revenue officers viz., the Amildars and the Deputy Commissioners must come about at one and the same time and as the state of circumstances at present, do not warrant the Amildars being relieved, the Deputy Commissioner must also continue to exercise Police powers and duties. The present system of Taluk and District Police administration must continue until the pay and status of Taluk Inspectors are raised and separate arrangements are considered and brought about with regard to the Village Police.

Opinion of Mr.K.Nathan M.A., Assistant Commissioner, and 1st Class Magistrate, Shimoga.

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From the purely revenue point of view, it would, no doubt, be a distinct advantage to divest the Amildar of Police functions. Even without the Police, the Amildar's work is - heavy enough; with Police work he is overwhelmed. And there is this difference between the Police work and the ordinary Revenue work of an Amildar; - the latter can as a rule be made to wait, but the call of Police duty is imperious and must receive prompt attention. When a heinous offence is reported the Amildar has to leave all his other work, in whatever stage it may be, and at once proceed to the scene of occurrence and take up the investigation. The result of this is that the - ~~that the~~ addition of Police work to the Amildar's duties makes him to be not the master of his own time.. There is hardly a single Amildar who would not be glad to be relieved of Police work. From the Revenue point of view therefore, it would be highly advantageous to relieve the Amildar of Police work.

2. But when efficiency of Police administration and the general welfare of the people are considered, the adoption of the proposed arrangement would, I think, be found to be highly undesirable. The subordinate Police officers, from the Taluk Inspector downwards are not, as far as my experience tells me generally men who can be trusted absolutely and without the - check that may be exercised by a local superior officer, with the extensive powers that are vested in the Police by law. The opportunities for mischief which the Police have are manifold; and for the safety of the public, it is necessary that their doings should be constantly watched. This constant ~~su~~ supervision, the District Superintendent or Assistant Superintendent of Police is not generally able to exercise. In the Kolar Gold Fields, where the Superintendent of Police is always

always on the spot, his influence, is no doubt, constantly - felt by the Subordinate Police officers, and if by the divesting of all Police departmental powers from the Amildar, "no harm has resulted to Police work", it is certainly no wonder. But it would be unsafe to infer that the same result would ensue if the ~~same~~ scheme be adopted in the rest of the Province, where the conditions are quite different, where the Superintendent of Police has charge of seven or eight Taluks, in each of which he is not able to spend more than three or four weeks in a whole year, and where consequently his personal influence is not as strongly and persistently felt as is desirable. For efficient control over the Taluk Police we have therefore to depend to a great extent on the local Amildar.

3. It may be that the actual help rendered by the Amildar in the investigation of particular cases may be but little; although, the intimate knowledge that the Amildar has of his Taluk and the people cannot but be of great, if of indirect value; it may be that the number of cases which the Amildar personally investigates may be very small; but I do not consider that the value of the Amildar's position as the head of the Taluk Police is entirely a matter of statistics. His position enables him to instruct, guide and restrain the subordinate Police officers; and there can be no doubt that in this respect his influence is most wholesome.

4. I am not unaware of the fact that an Amildar who is inexperienced in Police work may blunder and "spoil" a case: and that an Amildar who is not over-conscientious may convict any persons that may be placed before him by the Police. But such cases I believe, are unusual. If the Amildar is inexperienced the Superintendent of Police can take care that he does not interfere in any important case; if an Amildar Magistrate is unscrupulous and unjust, the District Magistrate can make him feel that his doings are particularly watched.

Besides

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Besides it is idle to suppose that any system can be perfect. What has really to be considered is whether such occasional cases of failure of justice are numerous enough to outweigh the undoubted advantage of securing to the Police Department the help and countenance given and the salutary influence exercised by an experienced and conscientious man; and I am decidedly of opinion that this question must be answered in the negative.

5. The inconvenience likely to arise from an Amildar not being able to try a case which arises in his Taluk, because he has investigated it, is one that is very little felt in practice; ~~but~~ and it is certainly not greater than the inconvenience of having an Amildar who is only a Third Class Magistrate. The Amildars rarely take up the investigation of any but the Sessions cases and as they are generally not given the power to commit for trial, there is really no serious inconvenience. It is only when the accused is disposed to make a confession, and the Amildar is debarred from recording it when he investigated the case himself, that any inconvenience is felt. This however, cannot be considered to be very serious.

6. The present system has been on the whole working satisfactorily enough, and it would be unsafe and undesirable to change it without sufficient reason.

7. I cannot speak with equal confidence on the question of divesting Deputy Commissioners of all departmental control over the Police of their Districts. I have had but little opportunity to study the question, but I am not aware that there is much interference on the part of Deputy Commissioners with regard to Police matters. The Deputy Commissioner being also the District Magistrate, his position as the Departmental head of the Police of his District gives such a prestige to the Police department which it otherwise would not have that it is surprising that the cry to remove him from this position

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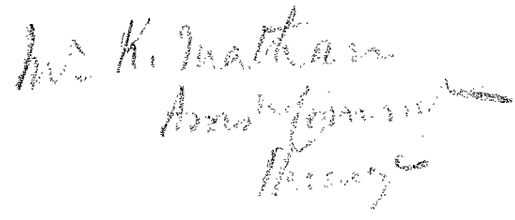
comes from the Police department itself. If there is any party that has reasonable ground for complaint about this arrangement, that party ~~is not~~ is not certainly, the Police department. It is no doubt true that some weak subordinate Magistrates may consider themselves bound to convict in a large proportion of Police cases, because the District Magistrate is also the - head of the Police. But the majority of Magistrates are conscientious and they try and dispose of cases according to their best lights, independently of suchn considerations. There does not of course seem to be any reason why the Inspector General of Police should not correspond direct with the Superintendent of Police, in matters relating to purely routine matters such as arms, accoutrements, kit etc, or generally where questions that do not relate to the prevention, investigation and detection of offences or to the discipline of the Police Force are not concerned. But in all other matters, the present arrangement appears to me to be most suitable.

8. If I have understood the spirit of the Criminal Procedure Code, the Magistrates are required to take a more personal interest than they now do in the investigation and detection of crime. The Magistrates should instruct and guide the Police in such matters. They should regard themselves as responsible for the public peace and the safety of person and property. If this view is right, instead of making the Magistracy and the Police entirely independent of each other, it is desirable to bring them into closer union.



Opinion of Mr.C.Narayana Rao, Assistant Commissioner and 1st Class Magistrate of Shimoga.

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I have to state with regard to the divesting of Amildars of their Police powers that the number of cases investigated by the Amildars is too small. Some of them having had no experience in the investigation of Police cases before their appointment as Heads of Police, miscarriage of justice is sure to arise by their interference in the investigation of heinous cases though with the best of intentions of helping the Police. Besides as many of the Taluk Magistrates are also invested with 2nd Class Magisterial powers, they can, when it suits them refrain from giving instructions to the Police on the score of the cases eventually coming before them as Magistrates. At present the Amildars seem to take more interest in trying Criminal cases coming before them under peculiar circumstances, I say peculiar because all the police reports in such cases pass between the Inspector and the Superintendent, through the Amildars and however reserved they may be, the Inspector and the Jemadar investigating the cases have various opportunities to represent the facts of the cases to them out of Court and this will either prejudice the Amildar Magistrates or place them in a false position. There may, however, be honorable exceptions to the above remarks. I am however of opinion that the so-called police responsibility imposed upon the Amildars which only tends the Inspectors to shirk their responsibility may be done away with leaving the Amildars free to see to the state of the tanks and to other minor details of Revenue work which are daily increasing in a Taluk Administration.

As regards relieving the Deputy Commissioners of their police functions, I have to state that for various reasons which are too apparent to be stated in this memo, the position and status of the Collector and Magistrate and the District Superintendent of Police in the British Territory cannot be compared

compared to those of the Deputy Commissioner and District Magistrate and the Superintendent and Assistant Superintendent of Police respectively in Mysore which are peculiar in their constitution. The appointment of Assistant Superintendents, - formerly called Assistant Commissioners of Police in Mysore - was once created and abolished before the Rendition, when there was a Deputy Inspector General of Police with the Judicial Commissioner as ex-officio Inspector General of Police. After some years, the appointment of Police Assistant Commissioners was revived in only some of the Districts. But the Office never as in the British Provinces carried an independent status of its own. The capability of a Police Assistant Commissioner is always being judged by the influence which he brings to bear on the Deputy Commissioner in receiving his support in the detection and prosecution of grave crimes and mainly in keeping the peace of the District.

The Deputy Commissioners who are looked upon by the public as District Superintendents of Police have wielded Police powers much to the advantage of the Police department whose interest requires that the Deputy Commissioner should continue to be the head of the District Police administration. Besides as it is not possible for the District Police officers to do any real police work in cases of emergency without the help and watching care of the Deputy Commissioner, I am not in favour of the change proposed in query No.4.

Opinion of Mr.B.Krishna Row B.A., Assistant Commissioner and 1st Class Magistrate, Sagar.

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The alleged non-fulfilment of the expectations formed of the Amildars in 1879-80, seems to be the main reason for advocating the proposed change. How could that expectation be fulfilled as long as the Amildars are only the nominal heads of the Police when they have neither power to punish for dereliction of duty nor power to reward for meritorious work? What real interest would an officer be expected to take under such circumstances? It is not the proposed separation of the functions that would tend to the improved and satisfactory working of the Police, but a greater control of the Deputy Commissioner and the Amildars over the Force, combined with their unique position as the heads of the District and Taluk administrations in almost all its branches and the confidence reposed in them by the public must have the desired effect.

3. The only other important ground on which the proposed change is urged is the delay in official correspondence. In all routine matters of business, the Superintendents and Assistant Superintendents may be formally permitted to correspond with the Inspector General of Police or such other arrangement may be made as may appear to Government to be necessary.

4. Theoritically, the separation of the two functions may look very well, but at our present state of the education and general knowledge of the masses, it would be undesirable if not dangerous in practice. Prior to 1879-80, the Police seem to have been independent of the District and Taluk Officers, but after mature consideration, the continuance of the practice was thought by Government to be undesirable in the interests of public good, and the satisfactory working of the Force itself, the Amildars were re-invested with Police functions. When in 1891 Mr.Ricketts, on the points of whose recommendatio

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the present proposal is mainly based, mooted the question - again, Government declined to re-consider it for reasons already stated. After the lapse of a year or so, Mr.V.P.Madhava Rao, the then Inspector General of Police again urged this important question, but Government again said that it was inexpedient to relieve the Amildars of their Police duties "as the advantages accruing from the measure are doubtful, while the disadvantages resulting therefrom are manifold".

5. Times and circumstances have not changed much since then. First of all, the police force is now being recruited - generally from the dregs of the society and in the majority of cases, the qualifications and general character (on which the success of the work and public safety much depends) of the - Amildars of the Taluks are of much higher standard than that of most of the Talu Inspectors. It has been rightly observed that much of the success of the Police work depends on the co-operation and timely help of the Village officials and servants. These officials and servants can never be so much influenced and well controlled by an independent Police officer as by an Amildar whom they consider as their natural superior. Whenever these two functions are separated, each officer wants to assert his own superiority and this will result in repeated frictions in the work and increased insecurity to the public tranquility.

6. The moral of the following observation (based on past experience) made by Government sometime ago, still holds good and will hold good for a long time to come.

> "Without the healthy moderating influence of the Amildars (much more so of the Deputy Commissioners)over the Police, the latter are liable to be carried away by Departmental zeal in to excess and altogether his (Amildar's) connection with the department (Police) is calculated to produce a salutary moral effect both on the lower ranks of the Police and on the general public, which can scarcely be expected from the Taluk Inspector however highly paid or however independent he may be".

Copy of letter dated 26th October 1904, from Mr.A.Vedantadesigan Iyengar, Ag: Extra Assistant Commissioner and 1st - Class Magistrate, Madur District.

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1. I gather from the Inspector General's letter to Government and from his memorandum attached thereto, that even in British India it is the District Magistrate that is "entirely responsible for the peace and Criminal Administration of the District"; "that the District Superintendent is in - fact an aid to the District Magistrate for the superintendence of the Police of his District". This in other ~~words~~ words - means that the District Magistrate is chiefly responsible in his District for the prevention and detection of crimes.

2. This prevention and detection forms a more important portion of the Police duties than the ordinary routine work. As the Criminal law of the land holds the District Magistrate chiefly responsible for the peace of the District, which - could not be attained without the aid and co-operation of the Police, it can safely be argued that their functions are not as easily separable as those of other Departments are, ~~from~~ from the Deputy Commissioners. The Superintendents of Police cannot but keep the District Magistrate informed of all the crimes that might occur, how they have been investigated and how they were finally disposed of by the Subordinate Magistrates. In this essential work all papers and returns should necessarily pass through the District Magistrate and that too without loss of time with a view to his giving timely advice to the Superintendents and to other Police officers. It may be that in his multifarious duties, the District Magistrate may not be able to attend to the routine work and such papers are generally left to the disposal of the Superintendents.

3. That such an important functionary as ~~the~~ a District Magistrate and that with his status and rank should be found to shirk his responsibility especially in matters concerning

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the peace of his District as was remarked by Mr.Ricketts, is a fact which passes my comprehension. If he should behave so what more could we expect of a Superintendent of Police? An officer of the position of a District Magistrate on whom devolves the control of important duties of prevention and detection should continue to have a control over the Superintendents who are the Executive Police Officers, for it is not possible to have the needful control when such control is - known to the public to be merely nominal. The knowledge that the patronage lies in the Deputy Commissioner and that his - displeasure as a Departmental superior, will affect the prospects of the Officers below him will have a salutary check on the actions of all the Police Officers below him.

4. Though the Deputy Commissioner and District Magistrate cannot be considered a regular subordinate officer of the - Inspector General of Police, yet for all practical purposes of the District Police administration, he is so and to take away such officers from the hold of the Inspector General will be a great loss to the Police administration itself. There - seems to be greater reason for retaining the Superintendents as subordinates to the District Magistrate than for separating them, more on account of the smooth working of the Police Department. Though the District Magistrates may not interfere in all petty cases, the knowledge that he has a control over the Police will have a wholesome influence. Moreover, as the Head of the Police and Magistracy in the District, he can have a proper and needful control over both the Departments. If he is divested of the control and patronage his sympathy is likely to be lost for the Police and the Police work may therefore suffer. In the case of a District Magistrate, I can venture to state, that no imputation of the kind alluded to in the case of a Taluk Magistrate and a Police Inspector working together to a bad end either by burking a true case or working

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up a false one together can be made. He is too high an Officer to do any such thing.

5. For these reasons, I am not in favour of taking away the control of the Deputy Commissioner over the Police of the District. No change whatever is desirable in the existing arrangement.

6. As the District Magistrate may have a control over the Police Inspector and the Taluk Magistrate there seems to be no harm in divesting the Amildars of the Police functions. The separation may no doubt improve the quality of the Judicial administration and that the public may have better justice. It must be admitted on the one hand that the Amildar cannot discharge his duties as Head of Taluk Police satisfactorily in the midst of his other multifarious duties and without sacrificing to a certain extent the purity of his Judicial work and that his Judicial independence is being now certainly fettered by his subordination to the Superintendents and Assistant Superintendents who are likely to be more interested in the success of the cases taken up by the Police. On the other hand the fact that the Amildar's connection with the Police is a check on the malpractices and over-zeal on the part of the regular Police cannot be ignored either. This may be only a small advantage; but when we take into consideration the disadvantages of combining the Judicial and Police powers in a person who has to attend to both very often, the grounds of separation seem to outweigh and the small advantage alluded to, may be overlooked.

7. For these reasons, I think, the Amildars may be divested of the Police functions.

8. The control over the Patel and the other Village servants must rest with the Amildar under the orders of the Deputy Commissioner. Though it may be his duty to report the occurrence of cases to the Police and help them in the investigation of cases as per Village Police Rules, yet their punishment for misconduct should rest with the Amildar and the -

Deputy

Deputy Commissioner as per existing practice as it will be undesirable to have a dual control. Their misconduct should be brought to the notice of the Collector by the Inspectors for needful action being taken.

9. To minimise the chances of connection on the part of the Police, I would propose the introduction of a rule in the Village Police Rules, to the effect that in all cases in which the Patel is bound to send a report to the nearest Police - Station a simultaneous report should also be sent by him to the Taluk Magistrate with a view to its being treated as part of the records of the Judicial enquiry before him, or to forward the case to the Magistrate having jurisdiction in the - case. This ruling might to a great extent check the vagaries of the Police.

10. I would further state that the status of the Station-House officers should be increased and better men selected for such posts if they have to satisfactorily bear the expected scrutinizing watch of independent Magistrates.

Opinion of Mr.C.Srikanteswara Aiyar B.A.B.L.,,

Assistant Commissioner and 1st Class Magistrate, Davangere.

.....

Looking at what is now asked for (para 14) namely, that all correspondence relating to the internal economy of the Force more definitely classified in para 7_II of the letter, may be carried on direct between the Inspector General and his immediate subordinates, namely, the Superintendents of Police, in Police charge of Districts, it is difficult to conceive what there is in the present system that does not admit of expeditious despatch of business in such purely routine matters.

The Police administration of Kolar District, notably of the Gold Fields especially during the past six years has been run on grooves somewhat different from those prevailing in other parts of the Province and at Gold Fields itself and neighbouring parts, one of special organization on the scale and lines equally special to those localities only. In other Districts, however, as soon as Deputy Commissioner's Tappal is received at Head Quarters from the Post, the Police references generally, go straight to the Police Superintendents wherever they may be, all the quicker for being directed by the Deputy Commissioner's Office who are better posted up with the movements of the Police officers, whose replies thereto are directly dealt with by themselves, and it is only in matters of importance,doubt or delicacy, that they are, and need ever be, submitted to the Deputy Commissioners for previous approval or initiation; and in direct proportion to the experience and capacity of Police Superintendents and of tolerance of opinions, the delay if any, inevitable on such references can be minimised by their submitting suitable drafts after study of details and realization of their sense of duty and responsibility and with due regard to reverence and respect to constituted authorities.

Under

Under such circumstances, if direct correspondence on purely routine matters as are referred to in para 3 supra, is all that is aimed at, all that is now to be done is, to re-read the order of November 1891, and direct thereto, the special and strict attention of the officers concerned.

In regard to matters of importance, however, that are and need be, referred to the Deputy Commissioners, as some - would fall under the general category of all other matters of executive detail, in the fulfillment of their duties by the Police Force of the District, and all matters which may render the Police efficient and prevent abuse or neglect of their duties (para 7 II (f)) for obvious reasons, correspondence relating thereto were better to pass through the Deputy Commissioners who are to continue to be responsible for the general control of the Police of the District (para 7 III c).

These merely are matters of minor importance, but - what does not appear in para 14 of memorandum A (unless it be inferred from all technical matters) but is found specified - last, in the classified summary thereof in the letter, as - that the Inspector General should be the ultimate controlling authority under Government with regard to all matters concerned with the working of the Police Department in all its branches (para 7 IV) does contemplate a radical change in the constitution and administration of the Police, and advocates such final authority as is not exercised by other similar departments of the State,

With reference to the Amildars and Inspectors, given fair specimens of humanity (and humanity is the same all the world over) the vast resources, local knowledge, prestige and powers of the Amildars cannot but be a source of distinct advantage to the Police staff. as at present recruited, whereas in case either of them being corrupt, each now, is a wholesome check over the other; instances of both combining to defeat ends of justice must be very few indeed.

That

That the Amildars have investigated only 1.2 per cent of the crime in the Province, is itself proof positive of the good sense and propriety which guide great many of our modern Amildars in their intercourse with the Inspectors, rather than of any undue or vexatious interference on their part.

The Amildar when he does take up any investigation at all, in important cases or in any emergency demanding prompt justice - and such are very rare - his desirability to try such admittedly small percentage of self-investigated cases does no harm or cause any practical inconveniences in these days of so many Divisional Assistant Commissioners and Magistrates placed at convenient distances all over, and to whom great majority of all important cases (triable by Magistrates with 1st and 2nd Class powers) must necessarily go, Amildars as a matter of fact exercising mostly 3rd Class powers.

The popular cry for the separation of the executive from Judiciary all over India has other aspects. Nor is it any want of materials, but question of finance that has to be solved and it is all a matter of expedience, how far Amildars can be divested of Police powers in their Talukas, so long as the Constabulary is underpaid and lower ranks do not attract and cannot maintain contented, efficient or competent hands on thepresent scale of pay, equal to rising to the status of the Amildar in Police matters or like him, infusing confidence and sense of security in the people.

In conclusion, our system of administration on the whole, has been, gradually one of progressive decentralization

****

MEMO.

The question which the Inspector General of Police has submitted for the consideration of Government is whether the present system under which the Deputy Commissioner is held to be the head of the Police of the District and the Amildar the head of the Police of the Taluk, should continue or whether the District Superintendent of Police may be recognised as more or less in independent charge of the Police of his District (under the general control of the Deputy Commissioner) with the Inspector as the Head of the Taluk Police.

The proposals made by the Inspector General are in the main two :—

I. That District Superintendents of Police should be recognised as the responsible officers in Police charge of Districts and as the immediate subordinates of the Inspector General, and they should have *direct control* over, and correspond direct with the Inspector General, with regard to all matters of a departmental and routine nature specified in para 7 II of the Inspector General's letter to Government ; while the Deputy Commissioners should be responsible for the general control of the Police of the Districts subject to the control of the Inspector General as the ultimate controlling authority under Government in all branches of Police work, they being allowed to exercise the powers conferred in Government Proceedings of the 10th March 1904 with regard to recruitments, promotions and transfers, in addition to exercising control over investigation, detection and reporting of crime, with authority to issue specific instructions to District Superintendents regarding the conduct of all criminal cases and for the prevention of serious riots, disturbances &c.

REASONS urged for this proposal are: —

(*a*) Deputy Commissioners are overwhelmed with work of every descrip-

by the present System & which
they are inapplicable

tion and cannot give undivided attention to the work of any one Deptt. under them; it is impossible for a Deptt. Commissioner to supervise the departmental and routine work of the Police Department.

(b) The majority of Deputy Commissioners generally leave everything in the hands of their Superintendents, never interfering in any matters of Police routine, and thus the present system is only workable when not worked at all. *

NOTE:—The Inspector General has, however, in another place quoted with approval and as being still applicable the remarks of Mr. Ricketts that Deputy Commissioners interfere more especially in matters of detail and of patronage but do not aid the Police by watching, by personal action in cases, by guidance before trial or during investigation, and that they have plenty of power for interference without liability to blame for failures.

(c) Paralysing and chronic delays on the part of Deputy Commissioners in answering the Inspector General's requisitions, due to—(1) Police Tappal being received by Deputy Commissioner to whom the letters are required to be addressed, (2) want of mastery of subject.

(d) Before the Rendition in 1881 there was virtually no separate Police Department, while since, a regular Police Department has come to existence with an Inspector General of Police, District Superintendents, Inspectors, Chief Constables, Constables &c. all well organized, but yet the old system is allowed to continue in a mutilated and unworkable form.

(e) The existing Police Department has had 15 to 20 years dry nursing by

the Revenue Department and there are now in it specially trained and selected officers paid by Government to do the Police work and undertaking the duties and responsibilities connected therewith.

Under present arrangements responsibility can be shifted from the shoulders of one officer to those of another to the detriment of efficiency.

District Superintendents are now in an unnecessarily false position, between the Inspector General and the Deputy Commissioner; and District Superintendents in addressing the Inspector General, in the name of the Deputy Commissioner, make use of inappropriate and insubordinate language of which the Inspector General is not now in a position to take direct notice.

A feeling of *esprit de corps*, of *responsibility* and *independence* is now wanting among the officers and men of the Department.

The Press and the Public have been clamouring for the separation of the magisterial and executive functions.

In Madras and in all Provinces where Commissioners of Divisions do not exist, the District Magistrate's authority as regards the Police is strictly confined to the functions and powers vested in him by the Criminal Procedure Code, while the internal economy and departmental details are supervised by the District Superintendent under the orders of his Departmental superiors, the Deputy Inspector General or Inspector General.

The Madras System, with modifications is more suited to Mysore than the Bombay one under which Division Commissioners exercise

many of the powers of the Inspector General in Madras, and the Deputy Commissioners those of the Deputy Inspector General.

II. That the Amildars should be divested of all purely Police powers *i. e.* they should be dissociated from all direct interference with the Police in their *executive detective* and *investigating* duties, but should as Magistrates afford advice and aid to the Police and exercise their influence in matters of emergency.

REASONS urged for this proposal are:—

(*a*) The present is a survival of the old candachar system.

(*b*) The Amildar's routine and Revenue work has increased considerably and he cannot fairly be expected to do Police duties.

(*c*) In 1902-03 Amildars investigated only 1.2 percent of the crime and the instances were very few in which their investigation in any way assisted the Police enquiry.

(*d*) Amildar's interference is perfunctory and ill regulated, retards rather than assists Police investigation, discourages rather than encourages original and individual action on the part of Inspectors and Jamadars.

(*e*) The Amildar and the Inspector have now a chance of shirking responsibility and throwing the blame from one to the other, or of both working together to a bad end.

(*f*) The Amildar if divested of Police powers can exercise an independent and scrutinizing watch on the conduct of the Police in the investigation and detection of cases, and there need not be magisterial antagonism.

(g) Cases within the Amildars jurisdiction have now to be taken up by Divisional or other Magistrate on the ground that the Amildar conducted or supervised Police enquiry and this causes delay in Magisterial enquiry and necessitates complainants and witnesses being dragged from place to place.

(h) The Inspector General cannot take direct notice of the negligence &c. of Amildars in Police matters.

(i) Inspectors are now as well educated and experienced as Amildars and do not need the guidance of Amildars.

(j) The cry for the separation of judicial and executive functions has greater force in the case of Amildars and if these are deprived of Police powers there will be more even handed justice in the subordinate courts of the State.

(k) In no Province or Presidency of India (except perhaps in special areas in the N. W. Provinces) are Tahsildars recognised as heads of the Tahsil Police.

V. B. Seebbiah & Sons, Bangalore—1901.

[illegible] Police Powers in this Taluq [illegible]
be brought [illegible] in immediate knowledge
& Danger [illegible]

Camp. Ingoor
20th Nov. 1904

C. Vijiaraghavachariar

No: 547

Forwarded to the President of the Committee for the Revision of the draft Police Regulation.

Chittaleroog
22. 1. 05

A. Rangaswami Iyengar
Deputy Commissioner

Recd 23/11/04

Opinion of the members of the Law Library & Association

Mysore City.

In re ' The divesting the Amildar of Police functions and making the Inspector, Head of the Taluk Police':-

'This is rather a very undesirable step. The Amildar and the Deputy Commissioner should be the Heads of the Police of the Taluk and the District respectively. They are the chief executive officers of the Taluk and the District. Their prestige in the Taluk and the District must be preserved and maintained. As a general rule, the Amildar is a more highly paid and respectable officer than an Inspector. The salutary check exercised by the Amildar over the Inspector in the Taluk is productive of immense safety to the public. The experiment of making the Police Inspector independant of the Amildar was tried in this State some time ago and found unsatisfactory and the Government revived the existing system. In British India, where the Police Inspector is independant of the Amildar, complaints of Police oppression are notoriously rife.

The Amildar comes in constant contact with the people of his Taluk in one capacity or other. As human beings most ~~men~~ of the Amildars have their likes and dislikes. Hence the exercise of Magisterial functions by them is not always safe. The danger is emphacized when the Amildar and the Inspector make common cause between them. It is therefore safer to deprive the Amildars of their Magisterial functions at least in all Police cases, than to divest themof their Police functions. This measure would afford the Amildar ample opportunities to keep watch over the doings of the Police in his Taluk and at the same time relieve him of his Magisterial functions so as to give him more time to devote

to his other work.

The Police cases in the Taluk should be made triable by Magistrates who are not Police officers.

Both in the interests of the efficiency of the Department and of the safety of the public , it is necessary that the Deputy Commissioner should not only be the Head of the Police in the District but all Police officers including the Superintendents in the District should be subordinate to him, and that all Police officers below the grade of Assis-tant Superintendents of Police should be appointed by the Deputy Commissioner subject to the approval of the Inspector General of Police.

Copy of letter dated the 31st October 1904, from the Honorary Secretary, Nagar Sabha, Shimoga.

The members of the Sabha in compliance with your - letter dated 7th Instant, met on the 23rd Instant to consider the proposals set forth in paras 2 and 3 of your letter as also the provisions of the Draft Police Regulation kindly - sent by you.

2. As the proposals are very important ones, members - gave their best consideration to them and the questions were discussed on all their bearings.

3. The proposed scheme namely, that Inspectors should be made the Head of the Taluk Police by divesting the Amildars of the Police functions if we are not mistaken, was tried - when the first organization of the Police Force took place in 1873-74. After some experience, the Government was obliged to change the system to the present one in the later seventies, as it was found that the system failed to work satisfactorily. Bearing this in mind, and considering the present state of the Police constitution, the members are of opinion that, the proposals in ~~r~~are are too premature for bringing into force, and the country is not prepared for the proposed change. The reasons for coming to this conclusion are:-

(a). Nobody that knows the peculiar constitution of the - Mysore Village Police can ever deny that it shall be the backbone of the Police Administration and that the Regular Police shall be only an auxiliary to it. At present, the Village Police is undefined and unsatisfactory. In fact, there is no - Village Police at all, so to speak. The Patel who is now the head of the Village, has multifarious duties as the Amildar has got to perform. He is directly subordinate to the Amildar and his connection with the Police, if any, is more or less, only by ~~sufferage~~ suffrage.. He can even afford to ignore -

the

the Police Inspector and the Superintendent who have no manner of control over him. So far as detection and prevention are concerned, the Police is entirely at the mercy of the Patel whose assistance in these matters is invariably indispensable If Amildars are divested of the Police functions, the consequence would be the detection and prevention must necessarily suffer.

(b). Our past experience has also proved that the working of the scheme depends much upon the qualifications and competency of the staff to whom such responsible work is entrusted. At the same time we have to observe that though the present salary of the Inspectors is not large, they are supposed to live a decent life, keep conveyances, servants and other conveniences. Under these circumstances, it is needless to say that it is too much to expect these low paid Inspectors to be above all temptations and the appointment is not attractive to duly qualified persons. Our humble opinion is that it is not safe to entrust these low paid Inspectors with more responsibilities than they now possess.

(c). The Amildar being always in touch with the people in various capacities, and also being on the spot, is a better controlling authority than pure police officers who do not command such facilities.

(d). At present the persons aggrieved by the acts of the subordinate Police have got an appellate authority near at hand in the Deputy Commissioners, who can redress their grievances speedily. If the Deputy Commissioners are divested of this power, the parties will be put to unnecessary cost and trouble to go to the central authority on account of the distance they have to travel. Further, the watchful eye of the Deputy Commissioner in the more important investigations conducted by the Police goes a great way to safe-guard (against) the high-handedness and abuse of the powers of the Police Force.

4. For the above reasons, the members of the Sabha are of opinion that the proposed change cannot do any good expected of it.

5. We also take the liberty of proposing for which we beg to be pardoned that in the place of the appointments of Prosecuting Inspectors under conterplation, selections from the local Bar may be made to conduct all important prosecutions whereby cases may be conducted with greater efficiency with an allowance as in the case of Public Prosecutors.

6. Regarding the provisions of the Draft Regulation itself we beg to propose the suggestions noted in the list annexed.

7. In conclusion the members of the Sabha beg to express their heart-felt thanks to the Hon'ble Learned President of the Committee for the honor done to them by inviting their opinion on the provisions of the Draft Regulation.

A very able & well thought out Memo; This will have the reqd

J C Carr
5-1-05

Mr Carr said that this may be sent to Govt

AL
17.1.05

Memo.

I have carefully read the valuable papers now placed within my reach, and have given my best consideration to the forcible arguments advanced by the Inspector General of Police in support of the reasonable proposals submitted by him to Government. These proposals seek, in the first place, to define the respective spheres of action and to fix the limits of responsibility as between the Detective Commissioner and the District Superintendent of Police; and in the next place, to attract the

the severance of the existing anomalous relation between the Taluk Amildar and the Police Inspector.

2. The questions raised by the Inspector General of Police do not involve any radical change of the existing system; and consequently they give no point to the controversy such as has been raised in some quarters by critics of the Police system obtaining in elsewhere, who, in the heat of their advocacy, are apt to overlook or misunderstand the nature and scope of the moderate measure of reform suggested by the Inspector General of Police.

3. In dealing with the proposed suggestions, therefore, it is to be distinctly

understood that the Inspector General of Police does not in the least wish to annul or violate the prevailing practice; nor does he propose to modify it in any of its essential features. On the other hand he desires emphatically to confirm and improve it, when he asks that the present circuitous mode of correspondence between the Police Superintendent and the Inspector General of Police be set aside, in so far as it concerns matters of purely departmental routine or of executive detail; such as: the internal economy of the District Police Force, its general conduct and behaviour, its efficient control and supervision, discipline, clothing,

equipment, drill etc. These are matters of mere routine, the disposal of which is now practically entrusted to the District Superintendent of Police; — although the limits of interference on the part of the Deputy Commissioner in such matters could not, for obvious reasons, be sharply defined at the time when the Police Rules were first introduced in 1872. These Rules still carry legal force with them, notwithstanding the fact that the practice has from time to time been modified according to changing conditions and circumstances, under the executive orders of Government.

4. The Rules of 1872 did not contemplate either the appointment of Separate Police Superintendents or the assignment of executive Police functions to the Amildars. Those rules were intended to be administered by the then "Deputy Superintendents or "Magistrates of Districts as Head "Executive Officers of Police in "each District under the "immediate orders of the "Chief Commissioner." (Vide Para I of the Rules). No provision is therefore contained in the said Rules to assign any portion of the executive duties or powers of control and of Supervision over the Regular Police Force of the

the district to any officer other than the Deputy Supdt., who also exercised the powers of a district magistrate. This point is rendered further clear by the terms of Para 6 of the Same Rules which lays down :—

" Superintendents, Asstt: "Supdts., Amildars, and other "judicial Officers, who will "as a rule take up all cases "prosecuted by the Police, shall "have no executive or depart- "mental authority over "either the Village or Regular "Police".

5. The evolution of the Police Organization working throughout the Province at the present moment, owes its origin to Sir

X (Vide pages 730 to 732 Vol. I Rice's Mysore Gazetteer).

— " —

1st. "The Village Police should be restored to a condition of reasonable vigour and efficiency. Their duties should be carried on under the guidance of a few simple rules. Their remuneration should be at once provided for throughout the Province by rent-free assignments from unassessed lands, all questions connected therewith being left to be settled by the Revenue Survey department in their due course of operations; an essential feature in this measure being the concession of magisterial powers in petty cases to competent heads of villages."

2nd "The Kandachar Police should be superseded by a constabulary similar to that already introduced into

Sir James Gordon's able minute, which is embodied in the late Chief Commissioner's Pro: No. 3589-71 Dated 25th July 1879. The views expressed therein were brought into force in the course of the following year in accordance with Pro: No. 489/15 Police Dated 24th September 1880. But the principles laid down by the Government of India as the basis of the Police Scheme introduced in 1872, have not yet been fully translated into practice, although the conditions that necessitated the adoption of an ad interim measure have changed in the long interval that has since elapsed.

6. With the change of administration in 1881 the

the views of the Government appear to have steadily inclined towards a change in the Organization and working methods of the Police. The first step taken in this direction was the provision made in Para 2 of the Regular Police Rules, drafted at the time, for the appointment of a separate Police Assistant Commissioner to each district. This Officer was "to assist the deputy "Commissioner in the administration and supervision "of the Police and to relieve "him of all routine and "general Police Work". The rest of the same para enunciated and defined the duties of the Police in

Bangalore, but having the Village Police for its basis. The functions of the latter should be to act as auxiliaries to the former; and on it (working as it ought under the Village headmen) should devolve the responsibility as well of reporting a crime as of discovering the criminal. No additional expenditure should be incurred, as the regular force need not, under the circumstances be numerous, but the members should be well paid, and specially selected with the view of fitting them to assist the Village Police in detection. The relations of the Village Police with the Regular Police should be clearly defined, so as to utilize the former to the fullest extent; and so adjusted that, while the due performance of their duties is secured, unnecessary interference on the part of the Regular Police in ordinary Village affairs is eschewed."

3rd "The Regular Police need not be armed and drilled, as the local Barr Force (which is otherwise useful in guarding district and local treasuries, and thus largely relieves the Police of some of its work) would well suffice for repressive purposes."

Police Assistant Commissioner in the following terms:—

"It will be the duty of the "Police Assistant Commissioner "carefully to supervise and check "the operations of the Police in "the District and guide them "to a prompt and correct dis- "charge of their duties. The "Police Assistant Commissioner "will also dispose of all reports "and other Communications "received from the Amildars, "Inspectors, and other Officers "seeking the instructions of the "Deputy Commissioner in "exceptional and important Cases "or when it is considered neces- "sary."

Had these Rules passed into law, they would have secured to the Police Assistant Commissioner of 1880–81 a larger measure of freedom of action

and of discretionary powers in the exercise of control and supervision over the Police Concerns and operations of the District Man was eventually claimed and cautiously allowed by government, when under Cir: Order No. 107-2 Dated 6th May 1885, the post of Police Assistant Commissioner was revived.

7. In due course however the Office of the Inspector General of Police was separately established; and the direction and control of the Police department, which had till then devolved on the Chief Commissioner, and after him, on the Dewan, were entrusted to that responsible Officer. It should be remember-ed here that Sir James Gordon's experimental Scheme of 1879, left the

the work of supervision as regards clothing, equipment, drill and discipline of the Police Force entirely in the hands of the military Assistant, who-in his ex-officio capacity- succeeded to the Office of the late deputy Inspector General of Police. It will thus be seen that since the creation of the post of the Inspector General of Police in 1885-86 these powers have been continuously exercised by the Inspector General of Police.

8. The subsequent efforts made by successive Inspector General of Police to improve the tone and efficiency of the Mysore Police Service were chiefly directed to two ends: viz

(1) To render the position of the District Police Officer

less

less subservient to deputy Commissioner's than is compatible with the measure of trust and responsibility reposed in him.

(2) To relieve the Amildar magistrate of executive Police duties of the Taluk so as to fix the responsibility for good or bad work on the Inspector.

The results of intelligent discussion that ensued on these points are matters of past history. But the facts to be remembered in this Connection are:-

(a) The Government felt reluctant, when moved in 1886-87, to modify the views expressed by Sir James Gordon in 1879-80. (Vide Dewan's Memorandum dated 20th April 1886 Enclosure to Pro: No. 2304-5 dated 31st March 1887).

(b) They however yielded to the necessity established by subsequent experience,

when

when in 1891 they undertook to define more specifically and to regulate in a special manner the respective powers and duties of the Deputy Commissioners and of the Police Superintendents.

(e) The Government further acknowledged that as Heads of Taluk Police, the Amildars had not fulfilled the expectations formed of them, and ordered, by way of compromise that the experiment of relieving Amildars of Police duties might be tried in two Selected, ... districts. (Vide Pro: No. 480-60 dated 1st November 1891).

9. The current of public opinion as well as the weight of common experience was thus clearing the ways for legislative reforms in the direction above indicated

But

But before the question could be finally solved a difficulty seems to have presented itself in the choice of a suitable model for legislative enactment The choice lay for a pretty long time between the Provisions of Act V of 1861, and those of the Bombay Act IV of 1890; and what transpired to bring about a Revised draft Regulation in 1901 is thus summarized by the Hon'ble Mr A Rangaswamy Iyengar in Para 80 of the Police Administration Report for 1898-99:-

"The question of introducing "a Police Act for Mysore is "still under discussion. A "Regulation had first been "drafted after careful dis- "cussion on the lines of Act V "of 1861 and the Police Rules "in force in the Provinces "with additions and improvements suggested

"by later enactments in
"force in Madras and elsewhere.
"Subsequently it was thought
"desirable to have the Bombay
"Act IV of 1890 introduced as
"a whole with some necessary
"alterations and additions and
"my opinion was invited on
"the Draft. I have submitted
"to Government my opinion
"that it is unsuitable as its
"provisions with reference to
"the position and functions of
"the Inspector General and
"the relations of the District
"Magistrate to the Police of
"the district are, among
"other points, materially
"inconsistent with the conditions
"existing in the Province."

10. ... Draft Regulation now under discussion, which is in some respects, an improvement over the previous Draft, contains

no

no provision corresponding to Para 2 of the Regular Police Rules as drafted on the lines chalked out by Sir James Gordon in 1879-80. It still leaves the position and powers of the District Superintendent of Police undefined; while it expressly confers on the Deputy Commissioner "powers to direct and regulate all matters of arms, Drill exercise, observation of persons and events, "mutual relations, distribution "of duties, Study of law, orders "and modes of proceeding and "all matters of executive detail "in the fulfilment of their duties "by the Police Force of his District". There is power reserved no doubt to delegate to or as occasion may require to withdraw from the Police Superintendents, certain powers and functions vested

Note :- Section 13 of the Draft Regulation as originally framed in 1900 on the model of the Bombay Act IV of 1890 left these powers in the hands of "the Distt. Supt: "subject to the orders of the Inspector "General and of the magistrate "of the District within their several "spheres of authority". The expression "Deputy Commissioner" came to be substituted for "District Superintendent" in the revised Draft of 1901.

Section 14 Clause (1) of the Draft of 1900 ran thus: "The District "Superintendent and the Police Force "of a District shall be under the "Command and Control of the Magi "-trate of the District".

The present Draft reads:- "Subject to the general control of the "Inspector General, the Deputy "Commissioner should be head "of the Police in his District".

LK

vested in the Deputy Commissioner but this provision while it reduces the status of the District Superintendent to a position irreconcilable with existing conditions as well as with established practice, assumes the infallibility of those whose good fortune it is to occupy the position of Deputy Commissioner. It further trenches largely on the authority already vested in the District Superintendent of Police, who is departmentally subordinate to the Inspector General of Police in matters of purely departmental discipline, control and supervision. Such a provision, if allowed to remain as a piece of standing legislation would undo all that has been striven for and achieved in the past. It would also introduce an anomaly into the mutual relations that

that ought under the provisions of the Code of Criminal Procedure to subsist between the Police Superintendent as the immediate Head of the District Police Force, and the Deputy Commissioner, in his dual capacity, as executive Head of the Police and magistrate of the district. As magistrate of the district, the Deputy Commissioner has large powers vested in him to supervise, check, control, direct and guide the actions of the whole District Force; and with the additional powers to be left in his hands under Government Pro: No. 1869-79 J dated 10th March 1904, he may well

well be expected to satisfactorily discharge the responsibility resting on him for the exercise of due control and general supervision not only over the operations of the Police in the district, but also over the behaviour of the Police Sub-ordinates in the performance of their duties. The policy that should regulate the interference of Deputy Commissioners in the Concerns of the Police department has already been decided by Government in Pro. No. 450-60 dated 1st November 1891; and there is no conceivable reason to alter the existing arrangement in this respect.

This may be substituted

11. If uniformity is to be

be aimed at in the Standard of discipline, and in dispatch is to be ensured in the disposal of matters of purely depart-mental and routine nature, such as are enumerated in Clause II of Para 7 of the Inspector General's letter No 15-71-179 dated 20th September 1904, I think there should be free and direct interchange of Communication between the Inspector General of Police and the District Police Officer. In the interests of efficiency and discipline of the Force there must be one directing and Controlling Head. Where powers of control and Super-vision over departmental routine are divided and

The Inwards Mss

and frittered away the idiosyncrasies of individual district Officers, armed as they will be with large powers of interference, are likely to render uneven and dissimilar the Standards set before the Subordinate Police. It is moreover inexpedient to throw the burden of responsibility for the execution of every minute detail of departmental work on the already overworked Deputy Commissioner. It is not practicable for the Deputy Commissioner, amidst incessant Calls on his time and attention, to take up such a task, and to discharge it too with any degree of efficiency or despatch, even should there be

be one forthcoming to make an honest attempt. In this respect the case of the Amildar as executive Head of the Taluk Police in no way differs from that of the Deputy Commissioner as executive Head of the district Police.

12. As a rule the majority of Cognizable cases taken up and investigated by the subordinate Police seldom call for interference on the part of the Deputy Commissioner or the Amildar. Whenever such an interference is deemed expedient or necessary, the powers vested in them as magistrates under Section 159 of the Criminal Procedure Code may

may be unflinchingly exercised. The provisions of the Criminal Procedure Code are, it is well-known, so framed as to leave little or no scope for the unrestrained or improper exercise of the powers vested in a Station House Officer or his departmental Superior without incurring the risk of magisterial interference. In all matters, preventive, detective, repressive or otherwise the powers of the Police are Concurrent with those of the magistrates. Under such circumstances, if those "dressed in brief authority" should ever play "Vile tricks," the wrong doings of the Oppressors cannot long remain unexposed or

or unrequited. Over and above all these wholesome checks, there is the watchful eye of the Deputy Commissioner and District Magistrate, from which there is no means of escape. There is further the ever-vigilant public opinion which no Police Officer, high or low, can afford to disregard with impunity. And before anything else, the voice of the aggrieved party is sure to find a sympathetic echo or a ready hearing, and the remedy in either case is always within easy reach. All circumstances considered, I do not at all think it too much to ask the Government for a candid and

a high compliment
but sincerely so

and unambiguous pronounce-
-ment on the issues involved
in the proposals laid before
them by the Inspector General
of Police.

13. Perhaps the unsatisfactory
condition of the Village Police
and the difficulty of adjusting
the relations between the
Village and the Regular Police
might be urged as strong
points in favour of the Amildar
being allowed to continue
as Head of the Taluk Police.
These were indeed the reasons
that rendered the Village
Police Rules of 1872 inoperative
but when it is borne in
mind that those rules were
never intended to be ad-
ministered by Amildars in
their Revenue or Police

Police Capacity, this plausible objection will readily give ways × The Village and the Regular Police Rules were Conceived in quite a different Spirit from that which seems to pervade the Regulation now under discussion. Every paragraph of the old Police Rules was so Constructed, and designed as to maintain in all its integrity, the subordinate relation of the Police to the Magistracy — the Village Police being regarded as auxilliary to the Regular Police Force, for the efficient discharge of duties Connected with prevention and detection of crime, the Surveillance of gangs and pursuit of criminals, the maintenance of order etc. The Magisterial and Police

× Note

Mr R. L. Maugles the late judicial commissioner explains the Spirit of the Rules in the following terms:—

"The Village and the Regular Police though differently organized will in fact Constitute one force to work together for the general detection and prevention of crime. The members of the Village Police and those of the organized constabulary will, however, be each held separately responsible for every duty preventive and detective which properly belongs to them."

× ×

"Their (Regular Police) employment will be mainly directed to the detection and prosecution of criminals, and to the general Supervision and Control of the Village Police under the immediate orders of the District Magistrate"

All the provisions Contained in the Regular Police Rules of 1872, (which were also retained in the Draft Rules of 1880) that defined and regulated the mutual relations subsisting between the Regular Police and the Village Police

Police in matters such as the reporting of crime, pursuit of criminals, prevention and detection of offences, watching of gangs and "suspects", maintenance of night-watch, removal of nuisances and the like, are altogether omitted in the present Draft Regulation. This, it seems to me, is a serious omission; and it takes away the basis of the whole fabric of the Regular Police. It removes also what in the light of the principles laid down by the Government of India, constitutes the Special feature of the Mysore Police System. The measure (as explained by Mr. Rice at Page 730 Vol I of the Mysore Gazetteer) was designed to supply what was at the time recognized to be the "radical defect" of the Madras System.

Indeed the relative position of the Village Police with regard to the Regular Police was the principal justifying element in the new Organization, for investing the Deputy Commissioner and the Amildar with a sort of departmental or executive control over the Police.

Further the Village Police Rules of 1872, which were also reproduced in the Draft prepared after the Rendition, contained no provision to delegate to the Supt. of Police any of the powers of control and discipline vested in the Deputy Commissioner as District Magistrate over the Village Police. This was a drawback sorely felt, and it was intended to be removed by the provision wisely

Police functions being combined in the Revenue Heads of districts and Taluks, which was intended to be administered by them in one capacity was in course of time lost sight of and has now come to be associated with another. The disguise should not be kept up any l[illegible]; and the true relations between the Village and the Regular Police ought to be once more established.

14. The Village Organization in Mysore is in no material respect different from what exists in British India. It only requires to be re-habilitated and adapted to current requirements and altered conditions. Practical sagacity, natural aptitude and a fair measure of

of Common Sense go in majority of instances to make up for the want of any appreciable degree of literary qualification or detective Skill, in the existing Village Police Agency. The entire body of the Subordinate Police Force comes from the rural classes to which the Patels belong. Almost all the Village Heads have had a long course of training in Village Police work, and their capacity to rise equal to Sudden emergencies has Stood the test of nearly half a century of progressive administration. All along, Crimes and occurrences have continued to be reported by them. Village night-watch is being enforced by them; and the movements

wisely inserted in Sec. 81 as it Stood in the Draft of 1900. It was removed out in the revised Draft of 1901. The Draft of 1904 now under discussion, which is almost in keeping with the Draft of 1901, far from curing the defect, reserves to the Deputy Commissioner the discretion to delegate or not to his Police Assistant all or any of the powers proposed to be vested in him under the new Regulation as the executive head of the District Police. These are indeed the powers which the District Police Superintendent now exercises without such delegation, under the existing Rules and orders of Government! Surely if this provision is allowed to stand it renders the position of the Police Supdt. in relation to the District Police Force worse than it is at present, and in so far as the Village Police is concerned it makes his position singularly inconsistent. At present the Amildar can fine, and in urgent cases even Suspend, Village Servants for wilful neglect or misconduct in the discharge of their Police duties. The Amildar being the Subordinate of the Police Superintendent in the Police Department the Police Superintendent could easily enforce his orders in respect of the Village Police through the Amildar. This becomes impossible under the proposed Regulation — unless provision is made therein to conform to existing Rules and practice.

and of resident gangs are committed to their careful supervision. In exceptional times the Regular Police has always claimed and obtained valuable help from them. It has become the fashion however to attribute all that civilization has done to raise the general level of intelligence in the country, to the good influence exercised by the Amildar as the recognized Head of the Taluk Police; but I should imagine the Amildar would still continue as Amildar and magisterial Head of the Taluk; and that he would neither change his character nor withhold his sympathy from the Police merely because he is asked to lay aside

the mask he was hitherto obliged to put on as Head of the Taluk Police.

15. It strikes me that the proper means to enlist the Amildar's genuine sympathy and active co-operation in the Police Administration of the Taluk is not to hand-cuff the Amildar with the Taluk Police Inspector and to leave them both to sink or float together; but to recognize the Amildar as the Revenue and Magisterial Head of the Taluk, and to make him feel independent of the Inspector, occupying, as he certainly does, a position superior to that of the executive Head of the Taluk Police. As Chief Coroner of the Taluk he may be required to hold

hold inquests and to carry out the investigation in all cases of murder or of suspicious death. He may be directed to take active part and interest in quelling disturbances and to give aid and advice in the investigation of specified classes of offences triable exclusively by the Sessions Court. The Occurrence Reports and even Special Diaries in such important cases may continue to be submitted through the Amildar Magistrate so that he may be enabled to communicate timely instructions and to guide the action of the subordinate Police. In the cases triable by him as Magistrate he may, for adequate reasons, set aside the Police Officer's

and

and take up the inquiry into his own hands. (Vide Section 159 Criminal Procedure Code). He may be required to report to the Deputy Commissioner through the Police Superintendent any instance of misconduct on the part of the Taluk Police and to receive from the Inspector and forward with his remarks, "Reward and Punishment Roll" whenever good or bad conduct on the part of the Village Police is brought to light. At the end of each year the Amildar Magistrate may also send in a brief review of the Police Administration of the Taluk, in the light he views it, - Commenting freely on the work of the Taluk Police and pointing out -

the defects noticeable in the morale and discipline of the force. Such precautions as those indicated above are likely to bring about better understanding of each other's position between the Amildar and the Inspector, than the doubtful expedient of making him the nominal head of the Taluk Police as at present— with no means of rewarding merit and with hardly any powers vested in him to exercise over the Subordinate Police in the matter of punishment for the due enforcement of discipline.

16. The Inspector under the altered conditions would be responsible for keeping the Subordinate force to the proper level of efficiency, would enforce discipline, regulate the work, supervise drill, equipment clothing etc, and be answerable for the good conduct and

and the general bearing
of the Officers and men
under him. The Amildar's
aid, advice and local
influence would still be
available to him in all
intricate as well as important
cases, and in all matters of
importance affecting public
safety, health, tranquillity
or general well-being. The
policy of the Amildar like
that of the Deputy Commissioner
ought to be (to quote the
words of the veteran Inspector
General of Police) "Non-interference,
"Careful watching of Police
"work in the Conduct of cases
"and decisive personal action."

17. A well-meaning writer
to a local newspaper who
styles himself "an Ex-Police
Officer has recently brought
much learning and knowledge
to bear on what he conceives

to

to be the subject-matter of the proposed change. He sums up his objections to the proposed measure of reform in the following words:—

"The proposed change will "remove all checks that can "be properly exercised upon the "conduct of the Police. The "Inspector will become an "autocrat in his Taluk; the "people will lose the power of "appealing immediately to a "higher authority on the spot; "the jealousy and hostility of "the local magistrates will "hamper the Police in the "investigation of cases; the "means of information will "become fewer and the Police "prestige considerably lowered; "and above all the Police "department will lose their "hold upon the Village Police. "And as a consequence perjury

"perjury and extortion will
"become rife and the Police
"Service will become unpopular
"in the extreme hated by
"the public and despised by
"its own members." Expressed
in sober language these
remarks would no doubt
carry some force with them;
and they might, without
violence to the sense of
propriety, have been held
applicable were a radical
change of the present system
contemplated. Even then
none of the objections urged
could be reasonably regarded
as unanswerable. But it is
enough to point out here
the error into which the
writer has fallen in supposing
what is precisely not contem-
plated by the Inspector-
General's proposals.

18. The Subject of Police Reform in Mysore has left the field of mere Speculation and has now entered upon the Stage of practical discussion. Theory and practice may vary according to local conditions and circumstances; and appropriate arguments may be found in Support of this view or that, according to the Spirit with which and the Stand-points from which the Questions are differently approached. But every measure of reform, should take us a Step further in advance of the one preceding it. The Mysore Police of today is not what it was thirty years ago. Whatever is excellent in the existing System it is I believe the Sincere desire of the Inspector General to retain; and he has expressed himself in no uncertain voice

on

on this point. His proposals do not at all touch any controversial point: they are thoroughly practical in themselves, and are especially calculated to improve the tone as well as the efficiency of the Police Service.

19. The task that immediately lies before the Government is to decide how to assimilate the existing practice with the Police Rules about to be introduced. The cardinal point that deserves to be kept in view in framing the new Police Regulation is to dissociate as far as practicable and expedient the functions of the Executive Police Officer from those of the Magistrate. The combination of these duties in one and the same person has elicited

much

much adverse comment both here and abroad. This ugly feature of the existing Police System must therefore be removed; and if its removal could, as shown by the Inspector General of Police, be effected without unreasonably adding to the Cost of the Police Administration, or without detracting considerably from the value or quality of the work turned out by the existing Police Force, I fail to understand why so feasible a measure of reform should not be immediately introduced.

20. I confess that for a long time I was myself strongly influenced by an imperfect understanding of the Spirit of the views expressed by Sir James Gordon in his minute of 25th July 1879

Those views were incorporated in the Police Rules drafted soon after the Rendition and were again re-affirmed, in emphatic terms by Sir K. Seshadri Iyer in April 1886. After a closer and more careful study of the Rules as introduced in 1872 and of the subsequent changes gradually brought about in the organization, I am however convinced that it was never designed to keep the Police fettered to the absolute discretion of the Deputy Commissioner or of the Amildar. During the early period of the reformed Police Administration, from 1874-75 to 1879-80, the Head of the judicial department i.e. the judicial Commissioner was ex-officio Inspector General of Police.

out the work of Supervision and control of the executive Police Force, by a deputy Inspector General of Police. After a brief trial given to this arrangement the Chief Commissioner felt constrained to remark as follows:-

"The incompatibility of the "existing system under which "the Chief Judicial Officer of "the Province is also the Head "of the Police has long been felt "and the arrangement should "not continue". The same remark would, I think, apply with even greater force to the Constitution of the Police, under which the task of the District Police Administration in all its detail is proposed to be entrusted to the magistrate of the district, and that of managing the executive Police work

(Para 1 of Pro: of 25th July 1879).

work of the Taluk to the Amildar or Magistrate.

21. I have since had the advantage of discussing the questions under consideration with several magistrates, whose long experience as Amildars is calculated to render their opinions especially valuable. I shall make a few extracts from an outspoken and thoughtful memorandum drawn up by one of them :-

x x x x x

2. "There is much force "in the contention that the "round-about method of "correspondence now obtaining "in regard to routine matters, "involves unnecessary delays "in their disposal and a reform "in this respect on the lines "advocated, would be in every "way a gain to the cause of "the efficiency of the Police

Note :- Mr A. Rangasamy Iyengar issued a circular in 1898-99, I think, to the effect that even the Police Administration Report of the district should be addressed by Police Supdt. direct to the Inspector General of Police and forwarded through the Deputy Commissioner so as to enable him to add his own review before the same was sent by the Inspector General

3. "In this view I have no
"objection to offer to the Police
"Superintendent being made
"the direct subordinate of the
"Inspector General."

4. "If I thought that this
"measure would weaken the
"hands of the Deputy Commissio
"-er in his exercising needful
"control over the investigation,
"detection, prevention and
"reporting of crime, I should
"certainly not favour it;
"but I find from the Inspector
"General's memorandum Para
"14 and his letter to Govern-
"ment Para 7 (III) that the
"Deputy Commissioner's power
"in relation to the Police for
"all useful purposes of
"general control are proposed
"to be left untouched. I
"therefore apprehend no
"harm is a result of

the

"the moderate change recom-
"mended by the Inspector
"General"

x x x x

5. "I quite agree that
"generally an Amildar does
"but little Police-work himself,
"but it cannot be ignored
"that he gives his sympathy
"and moral support to the
"Inspector who is thereby
"enabled to turn out better
"work."

7. "No doubt the System
"has its evils, as pointed out
"by the Inspector General.
"But in my opinion the
"remedy to be applied should,
"if possible, be one that will
"cure the evil while leaving
"untouched the beneficial
"features of the existing System."

8. "I have accordingly
"no objection to the Inspector
"being made the Head of
"the Taluk Police, exercising
"all powers independently

"of the Amildar. This will
"make the Inspector realize
"his responsibility fully and
"prevent him from sheltering
"himself under the wings of
"the Amildar and thereby
"escaping punishment for
"incapacity or indifferent work".

9. "But I am not in
"favour of the Amildar
"being eliminated altogether
"from the Scheme of the Police
"Administration in a Taluk.
"The Amildar, by virtue of his
"position as local administrative
"head, wields great influence
"in his Taluk, and the work
"of the investigation by the
"Inspector and the Jamadar
"would be seriously handi-
"capped without the Amildar's
"sympathy if not his active
"Co-operation."

10. "The transference of the
"designation of the Head of
the

the Taluk Police from the
"Amildar to the Inspector
"should not have the effect
"of disturbing the subordinate
"relative position of the Inspector
"so as to make the latter feel
"that he is the complete master
"of the situation; nor should
"it operate to take away
"from the Amildar all
"interest in the working of
"the department. The Amildar's
"sympathy cannot be counted
"upon if his interest is not
"enlisted by keeping him in
"touch with the work of the
"department at least in the
"detective and investigating
"Branch, or if the Inspector
"begins to look upon him
"as an outsider."

× × × × ×

16. "My humble view is
"that some system should
"be devised, which while
"divesting the Amildar of
"the Police functions, will not
"alienate his sympathies

"from the department. Indeed
"I would make the Amildar's
"position to some extent is
"analogous to what would be
"that of the Deputy Commissioner
"under the altered conditions
"proposed to be introduced."

x x x x

In Conclusion, I need only express my full concurrence in the foregoing observations and to add that if the Spirit of the Inspector General's propositions be properly & appreciated and carefully carried into practice the end in view will be easily gained.

[illegible]
Supdt of Police

28. December/02
29th Bangalore

from 29 P
17.1.05

DEPUTY COMMISSIOER'S AND AMILDAR'S POWERS.

Mr. Mahomed Jaffer.

(Superintendent of Police,
Mysore District.)

AMILDAR'S POWERS.

Is in favour of the proposal.

1. Police Inspectors are now selected from among Graduates and specially trained men. These no longer require the close guidance and control that was necessary for the illiterate Inspectors of former days.

2. The Inspector will have more influence and will command greater respect if he is placed in independent charge of the Department.

3. At present qualified hands run away to more congenial and lucrative posts and this impairs the efficiency of the Police.

4. After 20 or 25 years of close guidance by the Amildars, the Inspectors should now be able to conduct themselves independently.

5. The reasons urged against the proposal are generally fanciful:-

i. It is said that Inspectors will become helpless without the help of Amildars. As Inspectors will occupy a superior position as heads of Police they will have all the influence that Amildars now command.

ii. It is said that Amildars have better local knowledge and that their help wolud be lost by the separation. But this is an overestimate of the

Mr. Mahomed Jaffer.

(Superintendent of Police, Mysore District.)

(contd.)

work done by Amildars at present. An Inspector whose sole duty is to attend to cases will turn out better work - than the Amildar with his multifari--ous duties.

6. The Amildars may now misuse their position, confirming as Magistrates what they have done as Police Officers. The separation would -- therefore be a great advantage.

7. It is said that Police become corrupt if they are made independent of the Amlidars and examples are -- quoted from the Brirish provinces. - But it is forgotten that the number of cases of corruption is not so large when the large area of British India is taken into consideration. Even under Amildars the department is not free from corruption.

8. If we want intelligent men to work we must throw sufficient responsibility on them. Often a qualified Inspector is subjected to an Amildar without Police Knowledge.

---------oOo---------

1. At present the Superintendent does all the work But all the credit goes to Deputy Commissioner in whose name everything has to be done.

2. At present the Superintendent has no status while addressing the Inspector General, but he has one - while dealing with those below him.

The

Mr. Mahomed Jaffer.

(Superintendent of Police,
Mysore District.)
(concld.)

3. The change proposed secures and recognises the position of Superintendents and leaves to Deputy Commissioner the general control over the District Police. Both in matters of Supervision and Patronage the Deputy Commissioner continues to have the same powers as before.

---------oOo---------

Only men who have worked in Police executive service should be drafted on as Assistant Superintendents. By appointing merely Revenue hands as Superintendents the service becomes demoralised.

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DEPUTY COMMISSIONER'S AND AMILDAR'S

POWERS.

Mr. Md. Gulam Mohadin Khan.
(Assist. Suptt. of Police,
Hassan District.)

Heartily agrees with all the views expressed in the memoranda and oberves:-

1. Deputy Commissioners cannot be expected to attend to routine work. The general supervision may remain with them and they " are not deprived of one iota of their legitimate -- authority."

2. With regard to Amildars,- They do not take interest in Police work. The people would have more trust in their impartiality if they were divested of police functions.

3. At present the responsibility is devided between the Amildars and the Inspectors and when any important case is not detected, each blames the other for the miscarriage. The inspectors would take more interest if the whole responsibility rested on their heads.

4. In most Taluks Inspectors are equal if not superior to Amildars and should not therefore be unnecessarily put under the yoke.

5. It is said that Amildars have influence over the village patels and can help the police materially. But the Superintendents may be given some power over the patels so as to compel them to work well in police matters.

The

Mr. Md. Gulam Mohadin Khan.

(concld.)

The Police Superintendent - will be in constant touch with all matters and will keep the Deputy Commissioner fully informed on all -- important matters.

Mr. N. Subba Rao.

(Assistt. Suptt. of Police,

Shimoga District.)

Is in favour of both the -- proposals.

He says:-

1. The Amildars take but a nominal part in the investigation of heinous cases. They leave everything to Inspectors. It is said that the Amildars exercise a moral control. At present the Amildar has to shield the evildoings of the police as he is - their head. As a simple Magistrate he would have a greater moral influence.

2. In 1880, it was thought that the Village Police would be resuscitated by making the Amildars, Heads of the Police. This hope has not been realised. It will probably be harder to make the patels work if the Amildars cease to be the Heads of Police. The Amildars may support - the action of the patels against the Police.

-----oOo-----

As for the second proposal, it is only what is actually being done at present. There is no harm in allowing the Superintendent to correspond directly with the Inspect General in ~~the~~ matters in which he no does correspond in the name of the Deputy Commissioner.

C. D. Ramaswamiah Esquire, Assistant Superintendent of Police, French Rocks.

Agrees on all points with the opinion expressed in the Memoranda.

He observes:-

" Before rendition Inspectors were independent for more than five years. About 1880, during retrenchment, the office of the Inspector General, Deputy Inspector General, and Police -- Assistants were abolished; the old order was again restored; and Amildars were made Heads of Police and had to submit weekly -- Police diaries to Deputy Commissioners.

2. All these changes were not on account of the inefficiency of the independent working but due to a policy of retrenchment . From my experience of both systems, I must say that separation is very necessary and would lead to better results.

3. If Inspectors were competent to work independently 22 years ago, surely with the educated Inspectors, we now have, there should be no difficulty.

4. The Inspectors think, at present, that all responsibility rests with Amildars and take everything to him. During my long service as Amildar I had many things brought to me in which the Inspector might have used his own discretion. I was able to give very little help. Amildars have no time and leave every thing to Inspectors.

As examples.

1. In a house-breaking and theft case in Nagamangala Taluk, the Inspector deputed a constable to work up the case and took no further steps. His explanation is that he deputed the constable under the order of the Amildar. Inspectors can shirk work throwing the responsibility on Amildars.

2. A case of suspected poisoning was reported in Mandya Taluk. The Inspector took no steps on the pretext that the Amildar was investigating the case. The Amildar could hardly do any work and the case was not enquired into.

5. The Amildars generally pass on diaries without any remarks or instructions.

6. If they guide the Police in cases within their own cognisance, they will have to send up the case to a different Magistrate for trial and this would cause much inconvenience to witnesses.

7. At present even departmental subordinates look up to Amildars as Heads of Police and ignore Inspectors. Police work suffers.

8. First Information in a case now generally reaches the Superintendent a week after the occurrence. The Superintendent will be unable to issue any instructions as the case will be nearly closed before he has had first information. The Magistrates cannot issue instructions as they have to take up the case as Magistrates.

9. Superintendents have great difficulty in securing the help of Amildars without whose knowledge instructions may not be issued to Inspectors.

10. Many Amildars have expressed their disinclination to have charge of Police work.

Opinion of Mr. Syeduddin Hussein, Assistant Superintendent of Police, Kolar District.

Amildars' powers: in favour of proposal.

The Police Administration Report for 1902-03 shows 1·2 P. C. of crime investigated by Amildars. This shows they hardly take a fair share in investigation.

2. Amildars merely pass on papers put before them by Inspectors and rarely read special diaries and never issue instructions.

3. Amildars never criticise the work of Inspectors; and rarely exercise any control over the Police.

4. It is said that Inspectors are not sufficiently educated to manage the Taluk without the help of the Amildar. Most of the Inspectors have a high sense of duty and if there are black sheep among them, there are such among the Amildars as well

5. The Amildar can only report against an Inspector if he finds him corrupt. This he can do even if divested of police functions. Further there is the Superintendent whose sole duty is to supervise the Inspectors work. The Amildar's interference is therefore unnecessary.

Deputy Commissioner's powers: also in favour.

Work will be done with greater despatch if direct correspondence be allowed in routine matters.

Deputy Commissioners may be Heads of Police of the District

District and have all the powers given them under Government Proceedings No: 1869-79/J dated 10th March 1904.

Submitted.

Opinion of Mr. Y. V. Krishna Murty, Assistant Superintendent of Police, Bangalore District.

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is in favour of both the proposals:-

1. There are no advantages in the present system.

2. The Superintendent does all the work and has a far better knowledge of the Police Force and work than the Deputy Commissioner. The Deputy Commissioner simply sends all the Police dockets to the Superintendent.

3. The Superintendent comes into personal contact with the Police officials and can form a far better judgment than the Deputy Commissioner.

4. All papers have to pass through Amildars and Deputy Commissioners and there is a great deal of consequent delay. Discipline suffers. Instructions in important cases do not reach the investigating officer in time and therefore preventive --- measures cannot be adopted in time.

5. Where Deputy Commissioners take a different view from that of Superintendents the work is hampered and delay occurs . The final disposal rests with the Inspector General and the intervention of Deputy Commissioners is unnecessary.

6. Separation and specialization are the things needed and not combination and unification. As examples the appointment of Prosecuting Inspectors, separation of Police, Excise and Forest Departments which formerly were under the same provincial officer may be cited.

7. Superintendents have shown that they can work without any help from Deputy Commissioners.

8. The intervention of Amildars and Deputy Commissioners in the Police administration is unnecessary and undesirable.

9. It is impossible to serve two masters and Superintendents are truly between the devil and the deep sea.

Opinion of Mr. Zahiruddin Meccai, Superintendent of Police, Chitaldroog District.

Deputy Commissioner's powers: in favour of the proposal:-

" The system is in actual force in my District. The Deputy Commissioner has permitted me to correspond direct in all routine matters and even in important matters urgent work is carried on without waiting for the Deputy Commissioner's sanction. All correspondence is carried on in Deputy Commissioner's name -- according to mamul."

Amildar's powers: in favour of the proposal:-

" The Amildar cannot attend to police work as he is burdened with multifarious duties and the cases invariably suffer between an irresponsible Inspector and a hard-worked Amildar.

2. There is a great deal of delay and a lazy Inspector can always shield himself by putting the responsibility on the Amildar.

3. Subordinate Police officials always play the Inspector and Amildar against each other. If the Inspector reports against a constable for misconduct, the latter straightway makes for the Amildar and the Amildar in many cases finds fault with the Inspector. Thus discipline suffers . Often the Amildar and Inspector form the heads of two factions.

4. Amildars often ignore Police Assistants and correspond direct with Deputy Commissioners. This affects discipline and always gives rise to unpleasantness.

5. The Inspector being the subordinate of the Amildar is afraid to appeal against an acquittal by the Amildar as Magistrate. Separation would remove this difficulty.

6. It is said that Amildars will be hostile towards the

Police

Police if they are divested of police functions. There is no such hostility in the British Provinces and there is no reason why it should arise here. The Amildar would be a better - check on the police work if he is divested of police functions.

7. If the Inspectors are made independent they will become self-reliant and will turn out better work.

Opinion of Mr. Mahomed Raza, Assistant Superintendent of Police, Kadur District.

---------ooOoo---------

AMILDAR'S POWERS.

In favour of the proposal.

Observes :-

1. Separation was not carried out because it was thought that Inspectors were not sufficiently educated. This difficulty has now been removed by the enlistment of better men. The time has therefore come to carry out this long-pending scheme.

2. The Amildars take no interest and merely exercise a nominal control. It would be better to do away with divided responsibility and throw the whole burden on the Inspector.

DEPUTY COMMISSIONER'S POWERS.

Concurs with the proposal.

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Opinions of Mr. L, Krishna Rao, Superintendent of Police, Tumkur District.

In favour of both the proposals.

After tracing the history of the scheme proceeds: -

1. If uniformity, discipline and despatch of work ~~are~~ to be aimed at, direct correspondence must be allowed between the Superintendent and the Inspector General of Police.

2. Deputy Commissioners and Amildars are already over-worked and it would be unfair to throw the burden of police work on them.

3. The Police officers rarely require the interference of Deputy Commissioners and Amildars. When necessary, the --- powers given by the Criminal Procedure Code are quite ample to prevent the Police from going astray.

4. It is stated that there will be difficulty in adjusting the relation between the Village Police and the Regular --- Police. The Village Police are to be auxiliaries to the Regular Police. The Village organisition is the same in Mysore as in Madras and has been working satisfactorily. There is -- nothing to prevent its continuing its good work. The Amildar will continue to be the magisterial Head of the Taluk and will not withold his sympathy merely because he lays aside the mask he has hitherto worn.

5. The Amildar can work better if he is no longer shackled with the Police. He may take up the inquiry into his own hands in special cases (Sec. 159 C.P.C.) . Reward rolls may be ordered to be submitted through him. Such precautions are likely to make Amildars more useful.

6. The Inspector will be responsible for the efficiency

of

of Taluk Police and will still have the guidance of the Magistrate in intricate cases.

7. The executive and Magisterial functions should be separated and the time has come to carry this out.

8. Amildars of experience concur in thinking that the changes proposed are beneficial.

Opinion of Mr.P.B.Thomas ,District Superintendent of Police Kolar Gold Fields.

In favour of both the proposals.

" If the proposals of the Inspector General are not carried out the only alternative is to restore the old order of things and abolish the Superintendents and the Inspector General."